

Exhibit 5

Exhibit 5

Latia Alexander, et al.

v.

Las Vegas Metropolitan Police Department, et al.

Transcript of
James Rothenburg
Volume I
July 17, 2024



Our Services

- Court Reporting
- Record Retrieval
- Legal Talent Outsourcing
- Registered Agent
- Process Services
- Investigations
- eLaw® Case Tracking
- Alternative Dispute Resolutions

lexitaslegal.com | 702-476-4500

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 1

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3

4 LATIA ALEXANDER, individually as heir)
5 of ISAAH T. WILLIAMS and in her)
6 capacity as Special Administrator of)
7 the Estate of ISAAH T. WILLIAMS,)

8

Plaintiff,

9

v.

10

11 LAS VEGAS METROPOLITAN POLICE)
12 DEPARTMENT, a political subdivision)
13 of the State of Nevada; KERRY KUBLA,)
14 in his individual capacity; BRICE)
15 CLEMENTS, in his individual capacity;)
16 ALEX GONZALES, in his individual)
17 capacity; RUSSELL BACKMAN, in his)
18 individual capacity; JAMES)
19 ROTHENBURG, in his individual)
20 capacity; JAMES BERTUCCINI, in his)
21 individual capacity; DOES I-XX,)
22 inclusive,)

23

Defendants.

24

25 VIDEOTAPED DEPOSITION OF JAMES ROTHENBURG

Taken on Wednesday, July 17, 2024

At 10:16 a.m.

At 400 South Seventh Street

Las Vegas, Nevada

Job No. 56850, Firm No. 116F

Reported by: Tracy A. Manning, CCR 785

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiff:</p> <p>4 MURPHY'S LAW, PC</p> <p>5 BY: CORRINE MURPHY, ESQ.</p> <p>6 2620 Regatta Drive</p> <p>7 Suite 102</p> <p>8 Las Vegas, Nevada 89128</p> <p>9 cmurphyslawattorney@gmail.com</p> <p>10 (702) 820-5763</p> <p>11</p> <p>12 For the Defendants:</p> <p>13 MARQUIS AURBACH</p> <p>14 BY: CRAIG R. ANDERSON, ESQ.</p> <p>15 10001 Park Run Drive</p> <p>16 Las Vegas, Nevada 89145</p> <p>17 canderson@maclaw.com</p> <p>18 (702) 382-0711</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>15 The Videographer: Dawn Beck</p>	<p>4</p> <p>1 WEDNESDAY, JULY 17, 2024</p> <p>2</p> <p>3 THE VIDEOGRAPHER: Good morning. This</p> <p>4 begins the video recorded deposition of James</p> <p>5 Rothenburg. Today's date is July 17th, 2024. The</p> <p>6 time on the video monitor is approximately</p> <p>7 10:16 a.m. We are located at 400 South Seventh</p> <p>8 Street in Las Vegas, Nevada.</p> <p>9 This case is entitled Latia Alexander, et</p> <p>10 al. versus Las Vegas Metropolitan Police Department,</p> <p>11 et al. The case number is 2:24-cv-00074-APG-NJK in</p> <p>12 the United States District Court, District of</p> <p>13 Nevada.</p> <p>14 My name is Dawn Beck, legal videographer.</p> <p>15 The court reporter is Tracy Manning. We represent</p> <p>16 Lexitas.</p> <p>17 Would counselors please state your</p> <p>18 appearance for the record and whom you represent?</p> <p>19 MS. MURPHY: Good morning. Corrine</p> <p>20 Murphy, Bar No. 10410 on behalf of plaintiff.</p> <p>21 MR. ANDERSON: Craig Anderson on behalf of</p> <p>22 the defendants.</p> <p>23 THE VIDEOGRAPHER: Thank you.</p> <p>24 Would the court reporter please swear in</p> <p>25 the witness.</p>
<p>3</p> <p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 JAMES ROTHENBURG</p> <p>4</p> <p>5</p> <p>6 Examination by Ms. Murphy 5</p> <p>7</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10 NUMBER PAGE</p> <p>11 1 Notice of videotaped deposition of 6</p> <p>12 James Rothenburg, 3 pages</p> <p>13</p> <p>14 2 Excerpt of Las Vegas Metropolitan 32</p> <p>15 Police Department, Special Weapons and</p> <p>16 Tactics, Bates stamped LVMPD 001490 -</p> <p>17 LVMPD 001491, 2 pages</p> <p>18 3 Excerpt of CIRT report, 1 page 92</p> <p>19 4 Excerpt of CIRT report, Bates stamped 93</p> <p>20 LVMPD 004271, 1 page, marked</p> <p>21 confidential</p> <p>22 5 Excerpt of CIRT report, Bates stamped 96</p> <p>23 LVMPD 004405, 1 page, marked</p> <p>24 confidential</p> <p>25</p>	<p>5</p> <p>1 JAMES ROTHENBURG</p> <p>2 having been duly sworn,</p> <p>3 was examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. MURPHY:</p> <p>7 Q. Let the record reflect this is the time</p> <p>8 and the place of the deposition of James Rothenburg</p> <p>9 in the matter of Latia Alexander, et al., versus</p> <p>10 Las Vegas Metropolitan Police, et al.</p> <p>11 Mr. Rothenburg, my name is Corrine Murphy,</p> <p>12 and I'm an attorney. And I -- as I just stated, I</p> <p>13 represent plaintiff Latia Alexander in this case.</p> <p>14 Could you please state and spell your full</p> <p>15 name for the record?</p> <p>16 A. James Rothenburg, J-a-m-e-s</p> <p>17 R-o-t-h-e-n-b-u-r-g.</p> <p>18 Q. Do you have a middle name?</p> <p>19 A. I do. Ernest, E-r-n-e-s-t.</p> <p>20 Q. Okay. Have you ever been known by any</p> <p>21 other names?</p> <p>22 A. No.</p> <p>23 Q. Okay. And we have noticed you to be here</p> <p>24 today. Have you -- did you ever have an opportunity</p> <p>25 to review the notice of deposition that was served</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>6</p> <p>1 on you?</p> <p>2 A. I have.</p> <p>3 Q. Okay.</p> <p>4 And can we attach that? I don't have one</p> <p>5 with me, but can we attach that as Exhibit 1 to</p> <p>6 today's deposition transcript?</p> <p>7 THE REPORTER: Yes.</p> <p>8 MS. MURPHY: I'll provide that later.</p> <p>9 (Exhibit No. 1 was marked at a later time.)</p> <p>10 BY MS. MURPHY:</p> <p>11 Q. And that you are -- you understand that we</p> <p>12 are here today to discuss the officer-involved</p> <p>13 shooting of Isaiah Williams that occurred on</p> <p>14 January 10, 2022?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever given a deposition before?</p> <p>17 A. Yes.</p> <p>18 Q. When -- when are the other instances</p> <p>19 you've given a deposition?</p> <p>20 A. Various court cases throughout my career.</p> <p>21 Q. In the last five years have you given a</p> <p>22 deposition?</p> <p>23 A. Five years, no.</p> <p>24 Q. Okay. So when was the last time that you</p> <p>25 remember giving a deposition?</p>	<p>8</p> <p>1 give your best and most truthful testimony?</p> <p>2 A. No.</p> <p>3 Q. Okay. Are you -- and I'm going to</p> <p>4 follow -- are you under any medications or anything</p> <p>5 that would inhibit your ability to give honest and</p> <p>6 reliable testimony today?</p> <p>7 A. No.</p> <p>8 Q. Can you please tell me everything that you</p> <p>9 did to prepare for today's deposition?</p> <p>10 A. I reviewed some of the files that was</p> <p>11 given to me, talked to my legal counsel. We</p> <p>12 reviewed some body-worn camera video from the</p> <p>13 incident. Briefly reviewed the transcripts from</p> <p>14 previous interviews I had given.</p> <p>15 Q. Okay. And I don't want to know what you</p> <p>16 talked about with Mr. Anderson. That's</p> <p>17 attorney-client privilege. But I just want -- but</p> <p>18 what I am entitled to know and what I do want to</p> <p>19 know is just a specific rundown of which documents</p> <p>20 you looked at.</p> <p>21 So, there was a couple different</p> <p>22 interviews that you provided. Did you look at both</p> <p>23 the FIT interview and the CIRT interview?</p> <p>24 A. Yes.</p> <p>25 MS. MURPHY: And that's F-I-T, it's an</p>
<p>7</p> <p>1 A. 2015, I believe.</p> <p>2 Q. Okay. And what was your involvement in</p> <p>3 that case?</p> <p>4 A. I was arresting officer.</p> <p>5 Q. And so were you named as a defendant?</p> <p>6 Were you a party in the case or were you simply the</p> <p>7 arresting officer?</p> <p>8 A. No, just the arresting officer.</p> <p>9 Q. Okay. And do you remember what that case</p> <p>10 name was?</p> <p>11 A. I don't recall.</p> <p>12 Q. So would it be fair to qualify you as a</p> <p>13 witness in that case?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. All right. And other than that</p> <p>16 case, in the last -- well, that was almost nine</p> <p>17 years ago, are there -- in the last ten years, have</p> <p>18 there been any other cases where you were called</p> <p>19 providing your deposition?</p> <p>20 A. No.</p> <p>21 Q. Have you testified in the last ten years?</p> <p>22 Have you testified in court?</p> <p>23 A. Ten years. I do not believe so.</p> <p>24 Q. Okay. Is there any reason today that you</p> <p>25 would not be able to understand my questions and</p>	<p>9</p> <p>1 acronym, and it's C-I-R-T.</p> <p>2 Q. You reviewed both those transcripts?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. In reviewing those transcripts, as</p> <p>5 we sit here today, was there anything that when you</p> <p>6 reviewed them did not recollect with -- did not</p> <p>7 coincide with your memory as you sat -- as when</p> <p>8 you -- sorry, strike that. Let me ask it again.</p> <p>9 As you reviewed those transcripts recently</p> <p>10 of your interviews for CIRT and for FIT, was there</p> <p>11 anything that you did not remember or you were</p> <p>12 surprised as you read it?</p> <p>13 A. No.</p> <p>14 Q. So the -- is it fair for me to assume that</p> <p>15 the transcripts you read were consistent with your</p> <p>16 memory as we sit here today?</p> <p>17 A. Yes.</p> <p>18 Q. Other than the body-worn camera, the FIT</p> <p>19 interview, and the CIRT interview, were there any</p> <p>20 other documents that you reviewed in preparation for</p> <p>21 today's deposition?</p> <p>22 A. Yeah. Las Vegas Metropolitan Police</p> <p>23 Department policy on search warrants.</p> <p>24 Q. And when you say "policy on search</p> <p>25 warrants," do you mean the policy on search warrants</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>10</p> <p>1 or do you mean the policy on, like, CET entry or</p> <p>2 knock and announce or was it just the policy on</p> <p>3 search warrants?</p> <p>4 A. The policy on search warrants, which</p> <p>5 encompasses some of that information.</p> <p>6 Q. Okay. Any other documents?</p> <p>7 A. And then a -- an older copy, because I</p> <p>8 don't have a current one, of the SWAT section</p> <p>9 manual, I believe it was from 2019, that outlines</p> <p>10 search warrant services.</p> <p>11 Q. Okay. And do you understand that part of</p> <p>12 our case, part of plaintiff's case in this matter,</p> <p>13 is that this search warrant was improperly served?</p> <p>14 A. I'm aware.</p> <p>15 Q. Okay. What's your position on that?</p> <p>16 A. I mean, it depends on what's being argued</p> <p>17 for the service exactly, specifically.</p> <p>18 Q. Do you think that the manner in which the</p> <p>19 search warrant was served was in compliance with the</p> <p>20 laws as it was in 2022?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you bring any documents --</p> <p>23 sorry. Were there any other documents that you</p> <p>24 reviewed?</p> <p>25 A. No.</p>	<p>12</p> <p>1 your supervisor, then.</p> <p>2 A. Yes, that I had a deposition, yeah.</p> <p>3 Q. Okay. We have taken the deposition of a</p> <p>4 couple other SWAT officers. Have you discussed</p> <p>5 their deposition with them at all?</p> <p>6 A. No.</p> <p>7 Q. Okay. Do you still work with -- we</p> <p>8 have -- I've deposed Alex -- Alex Gonzales, and then</p> <p>9 my co-counsel deposed Officer Bertuccini. Have</p> <p>10 you -- did you discuss their depositions with them</p> <p>11 at all?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you bring any of the documents</p> <p>14 that you reviewed with you today?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did you review any of the -- the</p> <p>17 statements of any of the other police officers in</p> <p>18 this case?</p> <p>19 A. No.</p> <p>20 Q. I'm going to go down -- do you remember</p> <p>21 answering interrogatories and Requests For</p> <p>22 Productions?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Did you review those documents at</p> <p>25 all to prepare for today's deposition?</p>
<p>11</p> <p>1 Q. Okay. And like I said, I'm not entitled</p> <p>2 and I don't want to know what you spoke about with</p> <p>3 your lawyer, but I am entitled to know, and I do</p> <p>4 want to know how long you met with Mr. Anderson for.</p> <p>5 He can't answer for you.</p> <p>6 A. Hour?</p> <p>7 Q. An hour? Okay.</p> <p>8 A. Probably -- no, probably two.</p> <p>9 Q. Okay. He -- Mr. Anderson, not that he's</p> <p>10 trying to be evasive or non- --</p> <p>11 A. No, I know, I know. I've got to answer,</p> <p>12 yeah.</p> <p>13 Q. It's -- although this is an informal</p> <p>14 setting to a certain degree, it's still like --</p> <p>15 A. It's still -- yeah.</p> <p>16 Q. It's like you're up on the witness stand</p> <p>17 and you've got to answer the questions.</p> <p>18 All right. Did you discuss -- other than</p> <p>19 Mr. Anderson or anyone from his office, did you</p> <p>20 discuss today's deposition with anyone else?</p> <p>21 A. No.</p> <p>22 Q. Okay. Does your supervisor know that</p> <p>23 you're here today?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So you obviously discussed it with</p>	<p>13</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And so, I know it's hard to keep</p> <p>3 track, but I'm going to ask one more time. You can</p> <p>4 take a moment to think about it.</p> <p>5 Were there any other documents that you</p> <p>6 may have -- that you -- that you reviewed to prepare</p> <p>7 for today's deposition?</p> <p>8 A. No.</p> <p>9 Q. Okay. In having reviewed both the answers</p> <p>10 to the interrogatories -- your answers to the</p> <p>11 interrogatories and your answers to the Request For</p> <p>12 Production, as we sit here today, is there anything</p> <p>13 that you wanted to change or modify in those</p> <p>14 answers?</p> <p>15 A. No.</p> <p>16 Q. Okay. So, now I'm going to go over some</p> <p>17 background questions --</p> <p>18 A. Okay.</p> <p>19 Q. -- that kind of were in your</p> <p>20 interrogatories. But I want to -- I'm creating the</p> <p>21 record, so I'm going to march over some familiar</p> <p>22 ground on that, okay?</p> <p>23 A. Okay.</p> <p>24 Q. Where are you from?</p> <p>25 A. I'd call New York home, upstate New York.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>14</p> <p>1 Q. How long ago did you move to Nevada?</p> <p>2 A. 16 -- 16 and a half years ago.</p> <p>3 Q. Okay. And you're currently living here in</p> <p>4 Nevada; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And do you have any intention of moving?</p> <p>7 A. No.</p> <p>8 Q. Okay. Were you -- if you moved here 16</p> <p>9 years ago, where did you go to high school?</p> <p>10 A. In New York.</p> <p>11 Q. Okay. And you have -- you have -- you</p> <p>12 have advanced educational -- you got -- sorry,</p> <p>13 strike that.</p> <p>14 You have education beyond high school,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Can you please lay out for me your</p> <p>18 educational background beyond high school?</p> <p>19 A. I have a Bachelor's degree in business</p> <p>20 management, and then I have a Master's degree in</p> <p>21 administrative leadership.</p> <p>22 Q. And what is administrative leadership?</p> <p>23 A. It just covers varying leadership</p> <p>24 philosophies in administrative setting, government</p> <p>25 setting.</p>	<p>16</p> <p>1 deposited in this court, he was -- he previously was</p> <p>2 part of the explosives breach team. So he had some</p> <p>3 certifications about explosive handling.</p> <p>4 A. Oh, yes. Yeah.</p> <p>5 Q. Okay.</p> <p>6 A. Yeah.</p> <p>7 Q. Do you have any, like, specialized</p> <p>8 certifications like those? Beyond just, like --</p> <p>9 like I said, I've seen that you've done a lot of</p> <p>10 continuing education --</p> <p>11 A. Yeah.</p> <p>12 Q. -- but any, like, specific certifications?</p> <p>13 A. Yeah. As far as explosive -- explosive</p> <p>14 breach and stuff goes, yes, quite --</p> <p>15 Q. Okay.</p> <p>16 A. -- quite a few.</p> <p>17 Q. Okay. Is it fair to say that you're</p> <p>18 comfortable doing explosive breaches?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Are you a member of any</p> <p>21 professional organizations related to your</p> <p>22 profession?</p> <p>23 A. (Indiscernible.)</p> <p>24 THE REPORTER: Pardon me?</p> <p>25 THE WITNESS: Fraternal Order of Police,</p>
<p>15</p> <p>1 Q. And where did you obtain that Master's</p> <p>2 from?</p> <p>3 A. University of Oklahoma.</p> <p>4 Q. Okay. Did you actually attend there or</p> <p>5 did you do it remotely?</p> <p>6 A. Remote.</p> <p>7 Q. Okay. And when did you obtain your</p> <p>8 Master's?</p> <p>9 A. 2017, I believe. August of 2017, I</p> <p>10 believe I finished.</p> <p>11 Q. Okay. And are you -- do you have any</p> <p>12 other -- other than those two degrees, do you have</p> <p>13 any other type of, like, certifications? And let</p> <p>14 me -- let me clarify that, because I have</p> <p>15 reviewed -- you've taken, like, ten million courses</p> <p>16 through SWAT and LVMPD. So I don't mean maybe,</p> <p>17 like, you know, I'm not asking if you're, like,</p> <p>18 certified in first aid. I'm asking if you have any,</p> <p>19 like, specific certifications for anything that</p> <p>20 would allow you to do your job that is beyond, like,</p> <p>21 a couple-week course. Do you know what -- do you</p> <p>22 want me to give you an example?</p> <p>23 A. Sure. Give me an example.</p> <p>24 Q. Okay. So, like, some of the -- some of</p> <p>25 the other -- another officer that I -- that I</p>	<p>17</p> <p>1 FOP.</p> <p>2 BY MS. MURPHY:</p> <p>3 Q. Is that like a union membership or --</p> <p>4 A. Association, yes. More or less.</p> <p>5 Q. And can you please tell me what is your</p> <p>6 current -- current position?</p> <p>7 A. Police sergeant.</p> <p>8 Q. Are you still on SWAT?</p> <p>9 A. No.</p> <p>10 Q. Okay. When did you leave SWAT?</p> <p>11 A. I left in May of '23, last year.</p> <p>12 Q. And why did you leave?</p> <p>13 A. I was promoted to sergeant.</p> <p>14 Q. And what unit are you currently serving</p> <p>15 in?</p> <p>16 A. Internal Affairs Bureau.</p> <p>17 Q. Okay. And prior to your promotion to</p> <p>18 sergeant and your transfer to Internal Affairs, how</p> <p>19 long had you been with SWAT?</p> <p>20 A. Previous to that, just under eight years.</p> <p>21 Would have been seven years and eight months.</p> <p>22 Q. That is a very specific answer.</p> <p>23 A. Nine months? Nine months? Yeah. I just</p> <p>24 remember it was end of September in 2015. So, yeah.</p> <p>25 May '23.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>18</p> <p>1 Q. And what -- and I know that there's, like, 2 some different team colors and different positions. 3 You know, I'm a layperson. So can you kind of walk 4 me through, like, what your team -- as best as you 5 can to a layperson, what kind of team you were on 6 and kind of what your day-to-day looked like being a 7 member of the SWAT team in 2022. 8 A. There's just -- there's -- there was two 9 teams, red and blue. But the colors have changed a 10 couple times over the years, just depending on the 11 leadership in place. So, typically it's been red 12 team, and those are just associated with the days 13 off. So, the other team is blue. So I'd primarily 14 been on red team the entire time. I think 15 previous -- or after red team, initially it was gold 16 team and then it went back to red. 17 Q. So the color classifications have to do 18 with your days on and day off -- 19 A. Correct. 20 Q. Not, like, duties within SWAT. 21 A. Correct, yeah. 22 Q. Okay. Did you have -- were you -- would 23 it be qualified as you're a SWAT officer or is there 24 any subspecialty within SWAT? 25 A. Yeah. So, SWAT officer, and then one of</p>	<p>20</p> <p>1 more or less. Handle the day-to-day, out in the 2 street, kind of on-the-job training, more or less. 3 Q. And so -- Field Training Officer, so does 4 that mean that you would be, like, on patrol and 5 then you would bring training police officers with 6 you? 7 A. Correct. 8 Q. Okay. And then you went to being a patrol 9 officer; is that correct? 10 A. Patrol officer first, then Field Training 11 Officer. 12 Q. Okay. 13 A. Yeah. 14 Q. Oh, sorry. All right. How long were you 15 a patrol officer for? And by the way -- 16 A. About six years. 17 Q. I was going to say, you're doing an 18 excellent job giving me very specific answers. But 19 you can also give me rough estimates to the best of 20 your memory. Okay. 21 So six years. And how long have you been 22 with LVMPD total? 23 A. In about three weeks it will be 16 years. 24 Two weeks it will be 16 years. 25 Q. Okay. And you were patrol for six years,</p>
<p>19</p> <p>1 the explosive breachers or breachers. Yeah. 2 Q. And were you an explosive breacher for the 3 entire seven years and nine months you were on SWAT? 4 Or had you gained that specialty, like, kind of 5 sub-position as you were going through? 6 A. Yeah, I gained it after about two years 7 there. 8 Q. Okay. So, would it be fair for me to -- 9 for me to assume that for about five years and nine 10 months you had that kind of subspecialty? 11 A. Yes. 12 Q. Okay. 13 A. Yeah. 14 Q. And on January 10, 2022, the day of the 15 officer-involved shooting, you also had that 16 subspecialty, correct? 17 A. Correct. 18 Q. Okay. And prior to being on SWAT, what 19 position did you hold at Las Vegas Metropolitan 20 Police Department? 21 A. I was a Field Training Officer and then 22 patrol officer. 23 Q. What's a Field Training Officer? 24 A. Field Training Officer basically is you're 25 teaching new officers how to be a police officer,</p>	<p>21</p> <p>1 and then how long, approximately, were you a Field 2 Training Officer? 3 A. About a year and a half. 4 Q. Okay. And from there were you promoted to 5 SWAT? 6 A. Yes. 7 Q. And when I say promoted, that's a fair 8 assumption for me to assume, correct? That's a 9 promotion to get on SWAT? 10 A. It's a testable position, so, yeah. 11 Q. Okay. What did you have to do in order to 12 test to get on to SWAT? 13 A. At the time, it involved shooting test, so 14 shooting qualification test, (indiscernible) test, 15 confined -- 16 THE REPORTER: Wait. It sounded like pie? 17 BY MS. MURPHY: 18 Q. Did you say height test? 19 A. Yeah. Height test. Like, going to the 20 top of a tower and looking over kind of thing, yeah. 21 Q. I was, like, do you have to be a certain 22 height to be on SWAT? 23 A. Repelling, stuff like that. Yeah, 24 regarding that. So there's a height test, which I 25 know they've since removed. They actually did a</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">22</p> <p>1 balance test, confined space test. There was a 2 physical fitness test, an obstacle course. There 3 was also an assessment center, which was scenario 4 based. And then the final part was a panel 5 interview. Or oral board. 6 Q. Did you have to take any, like, written 7 tests? 8 A. No. 9 Q. Okay. So is it fair to say that it was -- 10 well, you tell me. Is it mostly, like, it's -- 11 based on what you described, it seems like they want 12 to make sure that you have a certain level of 13 physicality, for lack of a better term, and ability 14 to act within the field; is that fair? 15 A. Correct. 16 Q. Okay. Is it competitive to get on SWAT? 17 A. Very. 18 Q. Okay. So with that in mind, I would like 19 you to tell me what -- and if it's different today 20 than it was in 2022, I want you to tell me what your 21 understanding was in 2022. If it differs from 22 today, then I'll ask you what it was today -- what 23 it is today. Can you please tell me what knock and 24 announce means to you? 25 A. So, knock and announce, the way that I</p>	<p style="text-align: right;">24</p> <p>1 reasonable meant to you -- or means to you? 2 A. I guess reasonable, what's commonly 3 accepted, what everybody would think is commonly 4 accepted. You know, a reasonable time to act on 5 something. If something -- something was occurring. 6 Q. Okay. And so -- and I know that these 7 questions are a little all encompassing. 8 A. No problem. 9 Q. And so I'm kind of trying to drill down a 10 little bit -- 11 A. Okay. 12 Q. -- and I'd like your help with that. 13 So when you say reasonable amount of time, 14 were you ever given, like, a minimum amount of time 15 that you had to wait? Were you ever -- 16 A. No. 17 Q. Okay. And so, is it fair for me to 18 assume -- was there any -- did you ever get any 19 training on, like, hey, depending on what you're 20 going after or who you're going after, the 21 reasonable scope of time may be different? 22 A. Yes. 23 Q. Okay. And so can you kind of walk me 24 through what your understanding of that was? 25 A. I mean, it would depend -- again, it's --</p>
<p style="text-align: right;">23</p> <p>1 interpret it, is knocking, physically knocking. 2 Whether that be -- well, knocking, you know, using a 3 PA system, you know, alerting somebody of your 4 presence, right? So knocking and then announcing -- 5 also announcing your presence. 6 Q. Okay. 7 A. So, hey, we're here. It's the police. 8 That type of thing. 9 Q. And as we sit here today, do you have any 10 understanding of any parameters for how often or how 11 long you have to announce your presence? 12 A. Says a reasonable time, but that's 13 debatable what that time frame is, I believe. Given 14 the circumstance. 15 Q. Okay. And I just want to make sure. 16 Because we're a couple years from the incident. If 17 you say reasonable time, is that your same 18 understanding of -- in 2022? 19 A. Yes. 20 Q. Okay. Did you ever have any specific 21 training through either LVMPD or SWAT that there -- 22 that there had to be certain timelines that were 23 met, or was it just a reasonable amount of time? 24 A. Just reasonable. 25 Q. And can you please explain to me what</p>	<p style="text-align: right;">25</p> <p>1 I think it's all scenario dependent, scenario based, 2 given what it is. Is -- you know, is there a, you 3 know -- what is the threat or what is happening, you 4 know? Is there -- do we need to move faster or do 5 we need to move slower based off the circumstance. 6 Q. Okay. And I'm going to walk you through 7 the entire incident. We're going to watch the 8 video, too. But I know that you have reviewed all 9 these different documents and the video in order to 10 prepare for today's deposition. 11 Having reviewed all those different pieces 12 of evidence, do you think that there was a 13 reasonable amount of time between the first knock 14 and when the door was breached in this case? 15 A. Yes. 16 Q. Okay. And was the amount of time 17 consistent with the training that you had been given 18 through LVMPD and SWAT? 19 A. Yes. 20 Q. And I just want to confirm one more time. 21 To your knowledge, you were never provided any 22 training that there had -- there was a minimum 23 amount of time that you had to wait; is that 24 correct? 25 A. That's correct.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>26</p> <p>1 Q. Okay. And you explained to me kind of</p> <p>2 what knock and announce means to you. But can you</p> <p>3 tell me, from your understanding as a police</p> <p>4 officer, what's the purpose of knock and announce?</p> <p>5 MR. ANDERSON: Objection, form.</p> <p>6 Go ahead, sir. Just ignore me when I</p> <p>7 object. I'm here for the record.</p> <p>8 THE WITNESS: Got you --</p> <p>9 MR. ANDERSON: -- to answer questions.</p> <p>10 BY MS. MURPHY:</p> <p>11 Q. Yeah, sorry. Just to let you know,</p> <p>12 there's no judge here. I'm sure --</p> <p>13 A. Right, right.</p> <p>14 Q. Yeah. You've been in court. And</p> <p>15 normally, when an attorney will object, a judge will</p> <p>16 comment on it right away. We don't have a judge</p> <p>17 here.</p> <p>18 So what happens is, Mr. Anderson says his</p> <p>19 objection for the record. Later, if necessary, we</p> <p>20 can fight over it with a judge.</p> <p>21 A. Okay.</p> <p>22 Q. But he's just going to state his objection</p> <p>23 and then you answer. If he wants you not to answer,</p> <p>24 he'll tell you. So just assume he's saying his</p> <p>25 objection, and then you can go ahead and answer the</p>	<p>28</p> <p>1 Q. In performing your job as a police</p> <p>2 officer, do you agree with me that you have a duty</p> <p>3 to conduct yourself such that you do not violate the</p> <p>4 civil or constitutional rights of members of the</p> <p>5 public?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you also agree that if you see</p> <p>8 other officers violating the civil or constitutional</p> <p>9 rights of the members of the public, you have a duty</p> <p>10 to intervene and stop that officer?</p> <p>11 A. Yes.</p> <p>12 Q. And can you tell me, as a -- kind of as a</p> <p>13 contrast, what is a no-knock warrant?</p> <p>14 A. So, a no-knock is not giving the person or</p> <p>15 subjects any notice that it's the police whatsoever.</p> <p>16 Q. And why would some warrants be no-knock</p> <p>17 and some be knock and announce?</p> <p>18 A. It would depend on the severity of the</p> <p>19 crime, what the investigation is for. I mean,</p> <p>20 there's numerous factors.</p> <p>21 Q. Okay. In your experience, are property</p> <p>22 only search warrants ever no-knock?</p> <p>23 A. No.</p> <p>24 Q. Okay. So would it be fair -- and I know</p> <p>25 that I'm kind of asking you some broad questions,</p>
<p>27</p> <p>1 question.</p> <p>2 A. Okay.</p> <p>3 Q. Okay. And sorry, just to state that one</p> <p>4 more time, what is your understanding of the purpose</p> <p>5 of knock and announce?</p> <p>6 A. To notify somebody of our presence.</p> <p>7 Q. Does a citizen have a right to know that a</p> <p>8 police officer is trying to gain entry?</p> <p>9 A. In a knock and announce, yes.</p> <p>10 Q. Okay. Does a citizen have a right to open</p> <p>11 a door or to allow a police officer entry -- entry</p> <p>12 before the property is destroyed?</p> <p>13 A. Say that again, I'm sorry.</p> <p>14 Q. Let me rephrase that.</p> <p>15 A. Yeah.</p> <p>16 Q. Does a citizen have a right to allow entry</p> <p>17 before property is destroyed? And by property, I</p> <p>18 mean -- I don't mean, like, evidence that the police</p> <p>19 officers are trying to -- sorry, you're saying no?</p> <p>20 A. Correct, no. Yeah.</p> <p>21 Q. Okay. But you do understand that part of</p> <p>22 a person's constitutional and civil rights is to</p> <p>23 have clear notice of a police officer's intent to</p> <p>24 enter, correct?</p> <p>25 A. Correct.</p>	<p>29</p> <p>1 and so I'm going to try to drill on it a little bit</p> <p>2 more.</p> <p>3 So no-knock would only be for, like, an</p> <p>4 arrest warrant, correct?</p> <p>5 A. I wouldn't say just that. I mean, it</p> <p>6 could be -- it could be several things.</p> <p>7 Q. Okay.</p> <p>8 A. Yeah.</p> <p>9 Q. But it wouldn't be a warrant that was for</p> <p>10 property search and seizure only, correct?</p> <p>11 A. Not likely, no.</p> <p>12 Q. And we're going to lay the groundwork for</p> <p>13 this. I know you've talked about it in part of the</p> <p>14 CIRT and FIT interview. But what is a CET entry?</p> <p>15 And CET is an acronym, it's C-E-T.</p> <p>16 A. What is a CET entry?</p> <p>17 Q. Correct.</p> <p>18 A. Controlled Entry Tactic.</p> <p>19 Q. Oh, is it -- I don't -- I always thought</p> <p>20 it was pronounced -- I just thought it was called</p> <p>21 CET, like --</p> <p>22 A. No, CET is --</p> <p>23 Q. My bad.</p> <p>24 A. Yeah. I was, like, CET? I was, like,</p> <p>25 uh-oh. I don't know that one.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>30</p> <p>1 Q. This is a test.</p> <p>2 A. Controlled Entry Tactic.</p> <p>3 Q. Okay. Can you please tell me what is a --</p> <p>4 what is a Controlled Entry Tactic?</p> <p>5 A. It's basically what it means. I mean,</p> <p>6 we're making a controlled entry into a premise.</p> <p>7 Q. Okay.</p> <p>8 A. Whether that be a business, house,</p> <p>9 apartment.</p> <p>10 Q. And so what -- sorry. What is a</p> <p>11 controlled entry? How is that different than just</p> <p>12 entering as a police officer, like, just walk</p> <p>13 through the door?</p> <p>14 A. Well, it's different than walking through</p> <p>15 the door. We kind of have an idea of where we're</p> <p>16 going and what we're doing. There's already been a</p> <p>17 plan put in place of where you're going to go and</p> <p>18 what you're going to do.</p> <p>19 Q. Okay.</p> <p>20 A. So that's why it's controlled. It's not</p> <p>21 just we're walking in or just running in and</p> <p>22 figuring it out as we go.</p> <p>23 Q. Can you use a CET entry on a knock and</p> <p>24 announce -- on a knock and announce warrant?</p> <p>25 A. Yes.</p>	<p>32</p> <p>1 A. Yeah. So Controlled Entry is -- we're</p> <p>2 going to make entry into the premise beforehand. We</p> <p>3 know we're going to. And then a Surround and</p> <p>4 Callout would be, again, surrounding whatever it is,</p> <p>5 the structure, and calling the occupants out before</p> <p>6 making an entry.</p> <p>7 Q. Okay. And to confirm in this case, with</p> <p>8 the service of the warrant on this apartment, this</p> <p>9 was a CET entry, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And so I'm going to -- I'm going to</p> <p>12 hand -- when we do exhibits, what happens is, is I</p> <p>13 give it first to the court reporter. She puts a</p> <p>14 little sticker on it to mark what exhibit number it</p> <p>15 is, and then she'll hand it to you.</p> <p>16 And please make sure you don't leave today</p> <p>17 and take any of the exhibits with you.</p> <p>18 A. Okay.</p> <p>19 (Exhibit No. 2 was marked.)</p> <p>20 BY MS. MURPHY:</p> <p>21 Q. So --</p> <p>22 THE REPORTER: Wait, wait.</p> <p>23 MS. MURPHY: You can't do those at the</p> <p>24 same time?</p> <p>25 Q. So, James, what I've just handed you is --</p>
<p>31</p> <p>1 Q. Okay. Is there no conflict between knock</p> <p>2 and announce and a CET entry?</p> <p>3 A. No conflict between a knock and announce</p> <p>4 and a CET?</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. Okay. And is part of CET -- you know, in</p> <p>8 this case, right, the windows were broken open,</p> <p>9 there were devices, the explosive -- what are they</p> <p>10 called? The distracts --</p> <p>11 A. Distracts.</p> <p>12 Q. -- were thrown in.</p> <p>13 A. Yeah.</p> <p>14 Q. And so is that part of a CET entry?</p> <p>15 A. Yes.</p> <p>16 Q. What's the purpose of the distracts and</p> <p>17 the devices?</p> <p>18 A. To create distraction.</p> <p>19 Q. To surprise; is that correct?</p> <p>20 A. Yeah, surprise.</p> <p>21 Q. Give me one second. And so perhaps it</p> <p>22 will help me have you answer the questions a little</p> <p>23 bit more in a flowing fashion, can you please tell</p> <p>24 me the difference between a Control Entry Tactic and</p> <p>25 a Surround and Callout?</p>	<p>33</p> <p>1 we're going to mark as Exhibit 2 to today's</p> <p>2 deposition transcript, and this is the Las Vegas</p> <p>3 Metropolitan Police Department, Special Weapons and</p> <p>4 Tactics. Mine says that this is kind of the</p> <p>5 internal policy on it.</p> <p>6 A. Uh-huh.</p> <p>7 Q. And the copy that I've given you, I put a</p> <p>8 tiny little mark, a highlighter mark, because I want</p> <p>9 to read to you part of the description of controlled</p> <p>10 entry, and I want you to be able to follow along</p> <p>11 with me.</p> <p>12 And for the record, it is Bates LVMPD</p> <p>13 001490. And just so that you know, James, there --</p> <p>14 on every -- almost every exhibit that I hand you,</p> <p>15 there will be an alpha numeric number down in the</p> <p>16 right-hand corner.</p> <p>17 A. Okay.</p> <p>18 Q. Those are the numbers your attorney has</p> <p>19 put on every document that we received so that we</p> <p>20 have kind of our own pagination system and we can</p> <p>21 keep track of all the documents.</p> <p>22 A. Okay.</p> <p>23 Q. So, under Controlled Entry Tactic, it</p> <p>24 reads, "This tactic can be dynamic in nature, and is</p> <p>25 a viable and time-proven option. LVMPD should use a</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>34</p> <p>1 CET to execute search warrants in those cases to 2 lessen the risks and to enhance officer, citizen, 3 and suspect safety. The goal of a CET is not to 4 surround and call the subject out to SWAT officers. 5 This tactic is meant to surprise and overwhelm the 6 suspects." 7 Now, as we sit here today, is the conc- -- 8 I'm going to ask you your opinion. Is the concept 9 of surprising and overwhelming suspects, does that 10 conflict with the purpose of no-knock -- or sorry, 11 the purpose of knock and announce, which is to allow 12 people the opportunity to understand and evaluate 13 that it's a police officer trying to gain entry? 14 A. You're going to have to give that to me 15 one more time. 16 Q. No problem, no problem. So -- and I'll 17 just read the last line one more time, and then I'll 18 ask the question again. 19 A. Yeah. 20 Q. "This tactic is meant to surprise and 21 overwhelm the subjects." In your opinion, is 22 surprising and overwhelming a suspect at odds with 23 the concept of the knock and announce rule that a 24 citizen is entitled to know and understand that it 25 is a police officer trying to gain entry?</p>	<p>36</p> <p>1 understood it was police officers coming through 2 that unit? 3 A. I would assume based off of the 4 announcements given. 5 Q. You think that six seconds of 6 announcements is sufficient to give a sleeping 7 person inside an apartment notice and the time to 8 understand that police officers are coming through 9 the door? 10 A. I believe so, yes. 11 Q. Okay. And you think that especially -- 12 that six seconds, then it is also punctuated with a 13 distract device and what they call it, the nine 14 banger going off, you think that that's also 15 sufficient time for somebody to understand that? 16 A. Yes. 17 Q. Okay. You don't think that perhaps 18 Mr. Williams was surprised and couldn't have enough 19 time to understand who was coming through the door? 20 MR. ANDERSON: Objection, form. 21 Go ahead. 22 THE WITNESS: I mean, I believe he was 23 surprised, yes. 24 BY MS. MURPHY: 25 Q. As we sit here today, do you think it was</p>
<p>35</p> <p>1 A. For the surprise and overwhelming, no. 2 Q. Why not? 3 A. Because we just need to alert them that 4 it's the police. And, yes, they'll be surprised. 5 But if we're there to serve a search warrant, we're 6 going to overwhelm that premise because of the 7 reasons listed above. Which, you know, lessen the 8 risk, enhance officer and citizen safety, also 9 safely take the suspect into custody as well. So 10 that way there's not time for them to, you know, arm 11 themselves, take up a better defensive position, or 12 even, you know, flee the area. 13 Q. In this case, do you think the way that 14 this warrant was served lessened the risks and 15 enhanced officer safety? 16 A. Yes. 17 Q. How did it enhance officer safety? 18 A. So, for us, I believe that it enhanced it 19 because we were able to quickly get into the 20 apartment and to address the suspect in this case 21 who was shooting at officers. And then also 22 shooting through the rest of the apartment, which 23 was a multi-unit apartment building. So... 24 Q. As we sit here today, do you have any 25 evidence or facts that would indicate Mr. Williams</p>	<p>37</p> <p>1 Mr. Williams' intention to shoot at police officers? 2 MR. ANDERSON: Objection, form. 3 THE WITNESS: I'm unsure. 4 BY MS. MURPHY: 5 Q. Okay. As we sit here today, can you do a 6 CET entry on a property only search warrant? 7 A. I believe so, given the -- you know, 8 the -- again, it's circumstantial. Is it -- is it 9 preferred? No. But if it's the only way, based off 10 of, you know, all the other information that's being 11 looked at, then, yes. 12 Q. Okay. Were you aware that part of the 13 internal investigation concluded that the policy 14 should be changed, and that CET entries should not 15 be used on property only search warrants? 16 A. Are you talking a policy review? 17 Q. Yes. 18 A. Prior to this or -- 19 Q. Sorry -- 20 A. -- after this? 21 Q. Following this, because of this incident. 22 A. Okay. So what was the question again 23 exactly? 24 Q. No problem. I'll ask it again. 25 Were you aware that following the</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>38</p> <p>1 investigation regarding this incident, the</p> <p>2 officer-involved shooting on January 10th, 2022 with</p> <p>3 Mr. Williams, were you aware that a recommendation</p> <p>4 was made for a policy change that CET entries no</p> <p>5 longer be used for property only search warrants?</p> <p>6 A. I believe that was a finding that they</p> <p>7 concluded, yes.</p> <p>8 Q. Okay. As we sit here today, do you have</p> <p>9 any knowledge or awareness of whether or not that</p> <p>10 policy was adopted by LVMPD?</p> <p>11 A. I believe it has been.</p> <p>12 Q. Okay.</p> <p>13 A. Yes.</p> <p>14 Q. And, like I said, we'll get into the --</p> <p>15 the actual entry itself and we'll go through all of</p> <p>16 that.</p> <p>17 A. Okay.</p> <p>18 Q. But as we sit here today, do you believe</p> <p>19 that the search warrant could have been served as a</p> <p>20 Surround and Callout rather than a CET entry?</p> <p>21 A. No.</p> <p>22 Q. But as we sit here today, based on the</p> <p>23 updated policy of LVMPD, this search warrant would</p> <p>24 have to be served as a Surround and Callout,</p> <p>25 correct?</p>	<p>40</p> <p>1 Q. And is that normally how you find out</p> <p>2 about warrants?</p> <p>3 A. Yeah, that's our primary means to</p> <p>4 communicate with the team.</p> <p>5 Q. Okay. And I -- I know it was a couple</p> <p>6 years ago, but to the best of your memory, can you</p> <p>7 tell me what was in the text that you received?</p> <p>8 A. It's kind of a standard text. It's just</p> <p>9 the other -- the other team that's working, they'll</p> <p>10 ask for additional officers to come in to</p> <p>11 supplement -- supplement their team for service of a</p> <p>12 search warrant.</p> <p>13 Q. And so if I understand correctly, James,</p> <p>14 you actually were not -- you were just brought in</p> <p>15 kind of as extra because they were short to serve</p> <p>16 this warrant, correct?</p> <p>17 A. Correct, yeah.</p> <p>18 Q. And you said it's kind of like the</p> <p>19 standard text. And I'm sorry, I don't -- if you</p> <p>20 could kind of walk me through, like, what does the</p> <p>21 text that you -- like, what's the standard text look</p> <p>22 like? You don't have -- if you don't remember this</p> <p>23 one specifically, it's fine, but if you can just</p> <p>24 kind of tell me, this is usually what the text says.</p> <p>25 A. It will usually say, blue team needs five</p>
<p>39</p> <p>1 A. I -- unless there's an exception to that</p> <p>2 policy, then, yes.</p> <p>3 Q. Okay. And I'm sorry, I didn't tell you</p> <p>4 before, if you want to take a break at any time, no</p> <p>5 matter what for. If you need to take a phone call,</p> <p>6 go to the restroom, whatever, you just tell me and</p> <p>7 we'll take a break immediately.</p> <p>8 A. Okay.</p> <p>9 Q. Okay. All right. Now we're going to get</p> <p>10 into -- and I actually offered -- if you want, we</p> <p>11 can take a short break now, because now I'm going to</p> <p>12 get into the actual, like, mechanics. And I'd like</p> <p>13 to flow through that as kind of -- without taking a</p> <p>14 break. So if you want, we can take a five- or</p> <p>15 ten-minute break now.</p> <p>16 A. I'm good.</p> <p>17 Q. Okay.</p> <p>18 A. Let's do it.</p> <p>19 Q. Great. We'll keep going.</p> <p>20 So, can you please tell me when you first</p> <p>21 became aware of the search warrant in this case?</p> <p>22 A. I believe it was the night prior, or less</p> <p>23 than 12 hours prior to. Yeah.</p> <p>24 Q. Okay. And how did you become aware?</p> <p>25 A. Through texts, text message.</p>	<p>41</p> <p>1 or six bodies for a 0500 search warrant briefing.</p> <p>2 It's going to be at Santa Fe Station. That's it.</p> <p>3 Q. Okay.</p> <p>4 A. Typically.</p> <p>5 Q. And do you have the -- do you volunteer</p> <p>6 for this or is it, like, you're up next to do this?</p> <p>7 A. That's a little bit of both, yeah.</p> <p>8 There's a -- there's a running list.</p> <p>9 Q. Okay.</p> <p>10 A. So -- and then you say, hey, yeah, I'm --</p> <p>11 based off what you have because it's a -- it's a day</p> <p>12 off. So, if you have nothing going on, then you can</p> <p>13 say, yeah, I'm available. And then depending on</p> <p>14 where you fall on the list, if you make it, you make</p> <p>15 it; if you don't, you don't.</p> <p>16 Q. Okay. I mean, I have to tell you that I</p> <p>17 personally -- you can tell me if this is different.</p> <p>18 I -- and I don't know -- and I'm kind of just trying</p> <p>19 to figure out how it works and, you know -- so</p> <p>20 you'll have to excuse me if some of my questions are</p> <p>21 a little bit clumsy.</p> <p>22 But, like, I -- I'm -- a 4:00 a.m. warrant</p> <p>23 service seems kind of intense. Was that normal for</p> <p>24 you guys or -- do you kind of get what I'm getting</p> <p>25 at?</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">42</p> <p>1 A. Yeah.</p> <p>2 Q. Okay.</p> <p>3 A. It's normal.</p> <p>4 Q. Okay.</p> <p>5 A. Yeah.</p> <p>6 Q. So that wouldn't be, like, I'm not doing a</p> <p>7 4:00 a.m. search warrant, because this -- it was not</p> <p>8 that unusual; is that fair to say?</p> <p>9 A. Correct. Yeah. Yeah.</p> <p>10 Q. Okay. And you were not part of the recon</p> <p>11 team for this warrant --</p> <p>12 A. No.</p> <p>13 Q. -- correct?</p> <p>14 Okay. Have you -- you've done recon for</p> <p>15 warrants before, though, correct?</p> <p>16 A. Yes.</p> <p>17 Q. So I understand that you weren't part of</p> <p>18 the recon team for this warrant, but you -- can you</p> <p>19 kind of walk me through when you are part of the</p> <p>20 recon team, kind of, what does that look like? What</p> <p>21 do you do?</p> <p>22 A. So, you'll typically receive the search</p> <p>23 warrant and then investigative material, basically</p> <p>24 pretty much everything that the detectives have</p> <p>25 compiled for the case. Well, depending on what they</p>	<p style="text-align: right;">44</p> <p>1 associated factors that -- that we look for. You</p> <p>2 know, is there fortifications on the house? Are</p> <p>3 there cameras? Are there dogs? You know, are there</p> <p>4 children present, visible? You know, window</p> <p>5 coverings. There's -- there's a laundry list of</p> <p>6 things.</p> <p>7 Also, we're looking at kind of the</p> <p>8 surrounding area, too. The houses, you know, next</p> <p>9 to those, the target location, as well. Because</p> <p>10 we're also going to probably send out containment</p> <p>11 positions. So making sure they have good avenues to</p> <p>12 kind of get where they need to go. You know, unlock</p> <p>13 gates or a neighbor has a large dog or something</p> <p>14 like that. Anything that would take a few minutes</p> <p>15 for them to get back there.</p> <p>16 And then we'll take all that information,</p> <p>17 we'll kind of come up with a game plan of what we</p> <p>18 think. And again, I'm using the house in this</p> <p>19 situation, but it could be an apartment. And then</p> <p>20 kind of present a plan to the Assistant Team Leader</p> <p>21 or the team leader, who they've kind of already</p> <p>22 looked at this information as well. And then kind</p> <p>23 of formulate the plan of what we're going to do and</p> <p>24 how we're going to serve it.</p> <p>25 Q. Okay. And so in this -- and so about --</p>
<p style="text-align: right;">43</p> <p>1 send over. Sometimes you have to ask for more.</p> <p>2 Some are very thorough, send everything. Some only</p> <p>3 send the required stuff.</p> <p>4 But you'll review all that. You'll review</p> <p>5 the search warrant, make sure, you know, it meets</p> <p>6 all the, you know, normal stuff that needs to be in</p> <p>7 a search warrant. So, review that.</p> <p>8 Then you'll find where the location is at,</p> <p>9 where you're going to go. So determine that. From</p> <p>10 there, we'll determine a rally point, more or less,</p> <p>11 where, you know, it's less than a five-minute drive</p> <p>12 to the target, per se. So that way -- like a</p> <p>13 staging spot so everybody can meet there and stage.</p> <p>14 And then from there, usually just two</p> <p>15 officers, sometimes it's three, sometimes it's four,</p> <p>16 go out and actually do the recon. Which if it's in</p> <p>17 a house, they'll pull it up on Google and kind of --</p> <p>18 layout of the area, see what it looks like, you</p> <p>19 know. See what's around there. And then go</p> <p>20 actually out, confirm the information that's listed</p> <p>21 in the premise, or the search warrant, that it</p> <p>22 matches, you know, what we're seeing with -- with</p> <p>23 eyes on it.</p> <p>24 You know, then obviously once we get</p> <p>25 there, too, we're looking at all the -- all the</p>	<p style="text-align: right;">45</p> <p>1 if there is an average, you tell me, because I don't</p> <p>2 know. But, like, what is the -- is there, like, an</p> <p>3 average time that you would spend on the recon? Do</p> <p>4 you know what I mean by that question?</p> <p>5 A. Yeah.</p> <p>6 Q. Like -- like, oh, usually we'll spend,</p> <p>7 like, one to two hours or half an hour, or is there</p> <p>8 kind of an average that you're comfortable with</p> <p>9 based on your experience and your service of search</p> <p>10 warrants?</p> <p>11 A. Is there a time? I'm not -- it's hard to</p> <p>12 say. I mean, depends on kind of -- we're calling</p> <p>13 officers available from all over the city, right?</p> <p>14 So, depending on what side of town you've got to go</p> <p>15 to. We -- we, I think, would average about three</p> <p>16 hours, I believe, prior to the service for the</p> <p>17 recon. Which doesn't mean it has to be done then.</p> <p>18 It could be done a couple days before, it could be</p> <p>19 done the night before. I mean, yeah, we could look</p> <p>20 at it kind of whenever. And then plan when we're</p> <p>21 going to -- when they're going to conduct the</p> <p>22 service.</p> <p>23 Q. Following this January 10, 2022 incident,</p> <p>24 did you have any opportunity to kind of further</p> <p>25 review the recon, based on what was actually</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">46</p> <p>1 physically presented -- physically occurring when</p> <p>2 you came -- came into the apartment? And if I've</p> <p>3 asked that question awkwardly, tell me to rephrase</p> <p>4 it.</p> <p>5 A. Yeah.</p> <p>6 Q. Sure. So, you -- so -- actually let me</p> <p>7 ask it differently.</p> <p>8 During the -- there was a briefing at</p> <p>9 Sam's Town, correct?</p> <p>10 A. Right.</p> <p>11 Q. Right.</p> <p>12 A. That's -- yeah, I was just thinking -- I</p> <p>13 was, like, okay. Kind of left that part out, but I</p> <p>14 could explain that part.</p> <p>15 Q. And I'll have you get that -- to that in</p> <p>16 just a second, yeah.</p> <p>17 So the briefing at Sam's Town, you get</p> <p>18 kind of delivered what the recon team has found,</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So having actually gone through</p> <p>22 this incident, been part of the officer-involved</p> <p>23 shooting, been briefed at Sam's Town, were there</p> <p>24 things that you found out about the recon that had</p> <p>25 been conducted that you later found out to be</p>	<p style="text-align: right;">48</p> <p>1 fortification on the door?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you understand that the recon</p> <p>4 failed to rule out that there were any children</p> <p>5 present in the unit?</p> <p>6 A. I believe we determined there was no</p> <p>7 children present.</p> <p>8 Q. Correct. But having looked back on it</p> <p>9 now, do you understand that part of the</p> <p>10 investigation found they hadn't ruled out that there</p> <p>11 were children, elderly, compromised people there at</p> <p>12 all? They really didn't know who was associated</p> <p>13 with the apartment. Do you understand that as we</p> <p>14 sit here today?</p> <p>15 A. I mean, based off of the recon, I believe</p> <p>16 that there was no indication that those people were</p> <p>17 there. So I would say it was ruled out at the time.</p> <p>18 Q. Okay. And then there was also an issue</p> <p>19 with window coverings when -- specifically for your</p> <p>20 position, correct?</p> <p>21 A. Correct, yeah.</p> <p>22 Q. And that wasn't accurately relayed to you</p> <p>23 before the actual service of the search warrant,</p> <p>24 correct?</p> <p>25 A. That would have been -- that was very</p>
<p style="text-align: right;">47</p> <p>1 inaccurate or poorly done?</p> <p>2 A. I'm trying to think. As far as the recon</p> <p>3 goes, I would say no. I mean, I felt we got a good</p> <p>4 briefing. I mean, a standard search warrant service</p> <p>5 briefing.</p> <p>6 Q. Okay. But to --</p> <p>7 A. There's always -- I'm sorry.</p> <p>8 Q. No, no, no. You finish.</p> <p>9 A. There -- there's always unknown or</p> <p>10 variables that -- that happen.</p> <p>11 Q. Okay.</p> <p>12 A. That can't be planned for or that</p> <p>13 aren't -- that are not caught on a recon that you</p> <p>14 kind of got to deal with on the fly. So...</p> <p>15 Q. In this case, you listed off four</p> <p>16 different things that you would want recon to look</p> <p>17 for: Window coverings, dogs, children, and</p> <p>18 fortification.</p> <p>19 A. Cameras.</p> <p>20 Q. Sorry, cameras. Okay.</p> <p>21 A. Elderly.</p> <p>22 Q. Right. And so in this case, looking back</p> <p>23 on it from your point of view today, knowing</p> <p>24 everything that you know now, do you understand that</p> <p>25 the recon failed to assess that there was a</p>	<p style="text-align: right;">49</p> <p>1 clear that would have been something we would have</p> <p>2 been told, I believe.</p> <p>3 Q. Okay, okay. If you had done the recon</p> <p>4 on -- do you have -- you do have knowledge as we sit</p> <p>5 here today about the recon that was done, correct?</p> <p>6 A. Yes.</p> <p>7 Q. As we sit here today, would you have done</p> <p>8 the recon the same way or would you have done it</p> <p>9 differently?</p> <p>10 MR. ANDERSON: Objection, form.</p> <p>11 THE WITNESS: I would have -- I probably</p> <p>12 would have done it the same way. Based off of</p> <p>13 everything that I know, it was done within -- within</p> <p>14 standard. You know, sometimes they're -- they're</p> <p>15 very difficult, especially in apartment complexes.</p> <p>16 They're extremely difficult.</p> <p>17 BY MS. MURPHY:</p> <p>18 Q. What if I were to represent to you that</p> <p>19 LVMPD's internal investigation found that the recon</p> <p>20 was not done within standard?</p> <p>21 A. I'm sorry, if you presented that to me?</p> <p>22 Q. Yeah. What if I represent -- are you</p> <p>23 surprised if I represent to you that the internal</p> <p>24 investigation found that the recon was not done</p> <p>25 consistent with LVMPD standards?</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>50</p> <p>1 A. Which investigation --</p> <p>2 Q. Sorry --</p> <p>3 A. -- the CIRT investigation?</p> <p>4 Q. Yes.</p> <p>5 A. Would it surprise me?</p> <p>6 Q. Yeah.</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. I don't know how I would answer that. Can</p> <p>10 I --</p> <p>11 Q. I want you to speak -- yeah, you answer it</p> <p>12 how you want to tell me.</p> <p>13 A. Well, I -- I believe -- I'm trying to</p> <p>14 think how I would -- how I would phrase this is, how</p> <p>15 did, one, CIRT come to that conclusion? What did</p> <p>16 they use to base their conclusion -- what did they</p> <p>17 use, right? The information. And who did they</p> <p>18 obtain that information from? Because there's</p> <p>19 varying -- varying sorts of opinion.</p> <p>20 I mean, you can ask anybody in the</p> <p>21 tactical SWAT world, search warrant world, and there</p> <p>22 are 1,000 ways to do everything. So for them to</p> <p>23 come up with that conclusion?</p> <p>24 Actually, I believe it's more of a</p> <p>25 recommendation than it -- than an actual conclusion,</p>	<p>52</p> <p>1 And these recommendations were based off</p> <p>2 of a couple different factors. Mainly department</p> <p>3 policy, right, SOPs, operating procedures. And then</p> <p>4 the SMEs, Subject Matter Experts, which I disagree</p> <p>5 with some of the ones that they -- the department</p> <p>6 had used or brought in to make those</p> <p>7 recommendations.</p> <p>8 Q. Do you feel that they unfairly assessed</p> <p>9 your guys' actions as the officers with their actual</p> <p>10 feet on the ground?</p> <p>11 A. I wouldn't say unfairly. I would say</p> <p>12 incorrectly.</p> <p>13 Q. Okay.</p> <p>14 A. And then I'll just add to that -- let me</p> <p>15 add to that.</p> <p>16 Just because I -- you know, I said</p> <p>17 incorrectly. But, the reason why is, this -- this</p> <p>18 type of job requires a high level of skill, a high</p> <p>19 level of training, and it's consistent training. So</p> <p>20 when you leave that environment, even for a short</p> <p>21 period of time, things change very quickly. So, if</p> <p>22 you're not involved in that, let's say, for a period</p> <p>23 of a year.</p> <p>24 My situation, I left last year. I come</p> <p>25 back, there would be quite a bit of things for me to</p>
<p>51</p> <p>1 which is something they could certainly recommend,</p> <p>2 right? I mean, you could find -- you could find</p> <p>3 fault in almost anything. But I would question how</p> <p>4 they came to that determination.</p> <p>5 Q. Okay.</p> <p>6 A. So...</p> <p>7 Q. And you tell me if I'm right or wrong. As</p> <p>8 I'm kind of reading you and hearing your answer, are</p> <p>9 you aware of some of the recommendations or</p> <p>10 conclusions that CIRT came to?</p> <p>11 A. I am.</p> <p>12 Q. Do you think that they're unfair or</p> <p>13 biased?</p> <p>14 MR. ANDERSON: Objection, form.</p> <p>15 Go ahead.</p> <p>16 THE WITNESS: I think they could have been</p> <p>17 done better.</p> <p>18 BY MS. MURPHY:</p> <p>19 Q. And what does that -- what does that mean</p> <p>20 to you? If you could explain to me what you mean by</p> <p>21 that.</p> <p>22 A. Well, obviously, being, you know, an</p> <p>23 involved officer, I had to go through that entire</p> <p>24 process, right? Which is fairly lengthy and it's --</p> <p>25 it's extremely detailed and in depth.</p>	<p>53</p> <p>1 catch up on, where I feel I wouldn't be a subject or</p> <p>2 expert any more because the tactics change, the</p> <p>3 situations change, the rules change. There's a lot</p> <p>4 of varying things to make, you know, an opinion and</p> <p>5 conclusion of kind of what they -- what was</p> <p>6 ultimately founded, I guess.</p> <p>7 Q. Okay. And this is my understanding of</p> <p>8 what you just said to me, and you tell me if I'm</p> <p>9 right or wrong.</p> <p>10 Do you think that some of the SMEs that</p> <p>11 they brought in were a little out of touch with how</p> <p>12 things needed to be done on the day that you served</p> <p>13 that warrant?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And I'm sorry, I should have asked</p> <p>16 this before.</p> <p>17 In your career in SWAT, how many warrants</p> <p>18 do you think you've served?</p> <p>19 A. Probably well over 1,000.</p> <p>20 Q. And how many do you think were -- if you</p> <p>21 can just give me a rough estimate, how many of those</p> <p>22 were the -- were the CET entry?</p> <p>23 A. 60 percent.</p> <p>24 Q. So this type of CET entry was something</p> <p>25 that you were very comfort- -- and you tell me if</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>54</p> <p>1 I'm right or wrong. This is something that you were 2 very well versed in and very comfortable doing, 3 correct? 4 A. Yes. 5 Q. As much as you're comfortable doing your 6 job, which is uncomfortable. 7 A. Yes, yeah. 8 Q. All right. I've kind of asked you some 9 basic questions, and I said I was going to talk 10 about the actual thing that happened. Now I'm going 11 to get to the actual thing that happened. 12 A. Okay. 13 Q. So you got -- you got the -- you received 14 notification about the warrant, you weren't on the 15 recon team, and so then you show up to Sam's Town, 16 correct? 17 A. Uh-huh. 18 Q. Can you kind of walk me through that? 19 A. So, show up -- showed up to Sam's Town. 20 Kind of normal. Get there, you know, 15 or so 21 minutes before the briefing, the briefing time. 22 Which is typically a hard time. 23 The recon officers will have, you know, 24 the information just kind of written out on a couple 25 butcher block sheets of paper. You know, you'll</p>	<p>56</p> <p>1 we're up and down Nellis pretty regularly, so it's 2 a -- it's a common area, a common style apartment 3 complex. 4 And then I was assigned as the shield 5 officer for the window team, or the stun stick team, 6 which is a win- -- the window -- window, slash, stun 7 stick team. So I knew in that situation I'd be 8 carrying a shield and a pistol, and I'd be providing 9 coverage for Officer Bertuccini, who was actually on 10 the -- the actual stun stick. 11 Q. And, so -- and I just want to confirm, you 12 said -- because I was going to ask you this, but I 13 just want to confirm, like, you're familiar with 14 this area, correct? 15 A. Yes. 16 Q. Had you -- do you -- do you know if you 17 served any other search warrants in this apartment 18 building before? Obviously not this apartment, but 19 this apartment building? 20 A. In that complex? Probably -- likely. 21 Yeah. Not 100 percent. 22 Q. And I should have asked this before. Is 23 this the only officer -- have you been involved in 24 any other officer-involved shootings? 25 A. As?</p>
<p>55</p> <p>1 have the -- the kind of overall info, you know, 2 location, address, all that, the number. Some of 3 the details. 4 They'll have a -- they'll do a -- like a 5 rough sketch of the area where we're going, you 6 know, the structure and stuff like that, the 7 surrounding landscape. 8 And then the third one will be essentially 9 the plan, more or less, where you're at, what your 10 job is, and what you're doing. 11 So showed up, take a look at that, see 12 where I'm at, see what I'm doing. From there, 13 depending on what it is, I'll go prep whatever 14 equipment I need to prep for that specific job. And 15 then we'll -- we'll conduct the briefing. 16 Q. And so for this one specifically where you 17 went at Sam's Town, you got there 15 minutes early, 18 and then can you walk me through your memory to 19 the -- as you remember it today, kind of the 20 briefing that you got, the outline you got, and what 21 your role on the -- like, what your duties were 22 going to be. 23 A. Yeah. So, from what I recall is, it was a 24 homicide-related investigation. And we were serving 25 a controlled entry warrant at 3050 Nellis, which</p>	<p>57</p> <p>1 Q. As an officer? 2 A. The one shooting? 3 Q. Other than this one, January 10th, 2022, 4 have you ever been involved in any other 5 officer-involved shootings? 6 A. No. 7 Q. Okay. 8 A. But present for quite a few. Yeah. 9 Q. Okay. To the best of your memory, can you 10 tell -- when was the nearest one that you were 11 involved in to this incident? And sorry, sorry, let 12 me -- let me clarify. Because I think -- and you 13 tell me if I'm right or wrong, if I'm understanding 14 this correctly. 15 You're talking about, if I understand it, 16 you're making a distinction between being on a team 17 but not pulling the trigger; is that correct? 18 A. Correct, yes, yeah. 19 Q. Okay. So yeah. You've been -- you've 20 been on the team where there has been an 21 officer-involved shooting, but this is the only one 22 where you discharged your weapon? 23 A. Correct, yes. 24 Q. Okay. Can you tell me about the other 25 instances where you were on the team but you were</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>58</p> <p>1 not the one that discharged your weapon?</p> <p>2 A. Several.</p> <p>3 Q. And if you could --</p> <p>4 A. Yeah.</p> <p>5 Q. Sure. If -- and I understand that some of</p> <p>6 this stuff is nearer and closer in time. When you</p> <p>7 say several, could you give me a range? Is that</p> <p>8 between, like, five and ten? Is that two to three?</p> <p>9 If you could give me kind of a range.</p> <p>10 A. Probably five to ten.</p> <p>11 Q. Okay.</p> <p>12 A. I believe. Somewhere around there. Yeah.</p> <p>13 Q. And were you -- for the -- for when you</p> <p>14 were present for other officer-involved shootings as</p> <p>15 you were part of the team, was that always when you</p> <p>16 were on SWAT?</p> <p>17 A. Yes. Yeah.</p> <p>18 Q. Okay. And can you tell me if you can</p> <p>19 remember, the nearest one in time to this incident?</p> <p>20 A. Nearest one in time.</p> <p>21 Q. The nearest one -- actually, let me -- let</p> <p>22 me back that -- strike that. Let me ask this</p> <p>23 instead.</p> <p>24 Do you remember the one that occurred</p> <p>25 closest in time before this?</p>	<p>60</p> <p>1 probably -- that's a different type of scenario than</p> <p>2 what happened here.</p> <p>3 A. Correct.</p> <p>4 Q. Right. And so let me ask you, if you can</p> <p>5 remember, do you remember if any of the</p> <p>6 officer-involved shootings that you were present for</p> <p>7 involved service of a warrant?</p> <p>8 A. I think that could be -- so, service of a</p> <p>9 warrant. I mean, we --</p> <p>10 Q. And I'm a layperson, so --</p> <p>11 A. Yeah.</p> <p>12 Q. -- if I'm --</p> <p>13 A. So we have to have --</p> <p>14 THE REPORTER: Excuse me.</p> <p>15 THE WITNESS: Oh, sorry.</p> <p>16 BY MS. MURPHY:</p> <p>17 Q. She can't us take down both --</p> <p>18 A. Got you.</p> <p>19 Q. -- at the same time.</p> <p>20 But if I'm using the wrong terms, feel</p> <p>21 free to correct me or clarify it.</p> <p>22 Sorry, go ahead.</p> <p>23 A. Are you asking in the instance of a CET or</p> <p>24 a Surround and Callout?</p> <p>25 Q. Let me ask a CET first.</p>
<p>59</p> <p>1 A. Closest in time before. January of '22.</p> <p>2 I don't. I know, sorry. They're all kind of</p> <p>3 blending in with the time frames. I can't --</p> <p>4 Q. Okay.</p> <p>5 A. I can't say with 100 percent certainty.</p> <p>6 Q. And I don't need you to give me</p> <p>7 100 percent certainty. Just about this, if you</p> <p>8 could, to the best of your memory, tell me -- maybe</p> <p>9 we don't do before or after. If you could just tell</p> <p>10 me the other officer-involved shooting that you were</p> <p>11 present for closest in time to this one.</p> <p>12 And I don't need -- you are excellent at</p> <p>13 giving very exact details in your answers. You</p> <p>14 don't have to give me that exact detail. If you can</p> <p>15 just give me your best estimate, that's what I'm</p> <p>16 asking for.</p> <p>17 A. I know there was one in November. I can't</p> <p>18 recall if it was the year prior or the year after.</p> <p>19 Hostage rescue thing. Guy murdered a couple people,</p> <p>20 had a hostage in a vehicle. We ended up tracking</p> <p>21 him down and kind of boxing the vehicle in and --</p> <p>22 and the truck that I was in, my partner jumped out</p> <p>23 and ended up getting involved in the shooting.</p> <p>24 Q. Okay. And let me ask you if -- were</p> <p>25 any -- and I think it's fair to say that that's</p>	<p>61</p> <p>1 A. Okay.</p> <p>2 Q. So, were you present, or do you remember</p> <p>3 were you present for an officer-involved shooting</p> <p>4 that involved a CET entry?</p> <p>5 A. No.</p> <p>6 Q. Okay. What about a Surround and Callout?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Can you walk me through what</p> <p>9 happened in that?</p> <p>10 A. That one. Give me a second; let me think</p> <p>11 about it. I believe it was a barricaded subject who</p> <p>12 was shooting at -- that would have been -- I take</p> <p>13 that back. I'm getting -- I'm getting confused. It</p> <p>14 would have been -- that would have been a barricaded</p> <p>15 person, so that would -- that would have been a call</p> <p>16 out, not an actual warrant. But it's -- we have to</p> <p>17 have a warrant first before we can typically do</p> <p>18 anything. So that's -- yeah.</p> <p>19 Q. Even --</p> <p>20 A. My confusion.</p> <p>21 Q. No, no, no, that's okay. And listen, I</p> <p>22 know that we're talking about stuff that happened</p> <p>23 years ago. And so I'm just asking for your -- you</p> <p>24 know, for the -- for your best memory.</p> <p>25 And so the barricaded -- so if somebody</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>62</p> <p>1 was barr- -- had you been -- had your team been 2 trying to serve a warrant? And the person 3 barricaded themselves in as a result? 4 A. This was -- been more of a -- patrol would 5 have called us. Because they were dealing with it, 6 yeah. They were trying to take somebody into 7 custody or trying to apprehend somebody who then 8 became barricaded and then started shooting. 9 Q. Okay. And then SWAT gets called in for 10 that, correct? 11 A. Correct, yeah. Yeah. 12 Q. And my understanding, in terms of the 13 service of the warrant, if you are not on the recon 14 team, you don't -- do you get much information about 15 the warrant itself? 16 A. No. 17 Q. Okay. 18 A. Just an overview. 19 Q. And is -- if -- this is my understanding, 20 and you tell me if I'm right or wrong. 21 The purpose of SWAT is to kind of just go 22 in there, serve the warrant, and then the detectives 23 come in after, correct? 24 A. Correct, yeah. 25 Q. And so, in this instance, did you know</p>	<p>64</p> <p>1 homicide investigation. 2 Q. Okay. 3 A. Or evidence of the homicide. That's 4 usually what we're told. So... 5 Q. Which -- and this is just out of -- out of 6 curiosity. 7 Which areas of LVMPD would give you more 8 detailed rundowns? Like, which units? 9 A. Narcotics typically give very -- very 10 detailed information. Patrol station, Flex teams, 11 also. 12 Q. What's a Flex team? 13 A. PSU, Flex. It changes names throughout 14 the years. So, like, a plain clothes investigative, 15 street enforcement teams. 16 Q. And so just to confirm, because you talked 17 earlier that -- that you have now -- you're now on 18 Internal Affairs, and you wouldn't be comfortable 19 coming back, even for the short time that you've 20 been gone, you wouldn't be comfortable coming back 21 and commenting on how a SWAT unit did something, 22 correct? 23 A. I don't feel, no, no. That I... 24 Q. Okay. And so is it fair for me to assume 25 that as part of your duties as a sergeant in IA, you</p>
<p>63</p> <p>1 what the warrant was seeking? 2 A. I don't -- I don't remember. 3 Q. Okay. In this instance, was it your 4 understanding that one or both of the suspects could 5 be present in the apartment? 6 A. Yes. 7 Q. Okay. And what was your -- how did you 8 come to that understanding? One or both? Was it 9 one or both? 10 A. I believe it was looking -- again, details 11 are a little foggy. Because I know we -- so 12 typically when we do do the briefing for the 13 warrants, we'll have a detective from the 14 investigative unit come out and kind of give us a 15 rundown. 16 Q. Was a detective present at this briefing 17 at Sam's Town? 18 A. I believe he was. 19 Q. Okay. 20 A. So, depending on what unit it is and the 21 detectives, some of those briefings are very good 22 and thorough; some are very generic, broad 23 overviews. Typically homicide is -- is more generic 24 and broad. Hey, we're looking for, you know, this 25 person or that person or these people related to a</p>	<p>65</p> <p>1 no longer serve search warrants? 2 A. Correct. 3 Q. All right. Okay. So, in this case, do 4 you remember the homicide detective being there 5 specifically, or do you just think I assume he was 6 there? 7 A. I believe there was one there. 8 Q. Okay. 9 A. I believe there was. 10 Q. Okay. And, to confirm, so was part of the 11 intention, as you understood it, of serving the 12 search warrant to apprehend either one or both of 13 the murder suspects? 14 A. Yes. I believe we were going for a 15 suspect and a -- evidence related to a homicide. So 16 a firearm. 17 Q. Did you have an understanding if this 18 search warrant was an arrest warrant and a search 19 warrant for property, or did you have -- did you 20 have any understanding of that? 21 A. I just know it was a search warrant for 22 anybody in the premise, property, that's it. 23 Q. Okay. 24 A. I didn't ask specifics. 25 Q. But the purpose of -- was your</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">66</p> <p>1 understanding, as you were given that briefing at 2 Sam's Town, that part of the purpose of serving the 3 warrant was also to apprehend the suspects? 4 A. Well, we would take anybody that's -- 5 that's present into custody. So whether you were 6 involved or not, you're getting taken into custody. 7 And that's for the investigative unit, once we turn 8 it over then, to determine, hey, we have our suspect 9 we're looking for, or this person is not related. 10 Let's go ahead and send them on their way. 11 Q. And so then explain to me, what's the 12 difference, then, between a search warrant and an 13 arrest warrant? 14 A. So, arrest warrant, you're looking for 15 somebody specifically. A search warrant is giving 16 you that authorization to go into the premise to 17 look for that person, look for evidence. I mean, it 18 could be -- 19 Q. And then if you -- 20 A. -- numerous factors. 21 Q. Right. And then anyone who's there is 22 going to be detained, correct? 23 A. Correct, yeah. 24 Q. Okay. So just to loop back to my prior 25 question, then, was part of your understanding of</p>	<p style="text-align: right;">68</p> <p>1 killing a suspect. So that typically never happens 2 in those type of situations. 3 Q. Well, to be clear, Mr. Williams was not a 4 suspect in this homicide, correct? 5 A. Correct. 6 Q. Okay. He wasn't a suspect in any kind of 7 homicide, correct? 8 A. No. But he shot at the police. Yeah. 9 Q. Right. And so I'm skipping ahead a little 10 bit. But, also, there was no evidence related to 11 this murder recovered at this residence, either, was 12 there? 13 A. I don't -- I'm not -- I don't know if 14 there was or wasn't. 15 Q. Okay, okay. If I were to represent to you 16 that no evidence related to this homicide was 17 recovered at this residence, would you also qualify 18 that as weird? 19 A. I wouldn't -- no. No. Because the other 20 thing that I understood, it was -- it was a 21 flophouse, so a lot of people came and went and kind 22 of used it to transition through. So, typically, 23 when that happens, people take everything they bring 24 with them, they take it with them. Because if they 25 leave it, it's going to disappear.</p>
<p style="text-align: right;">67</p> <p>1 the purpose of serving the search warrant was to 2 apprehend the suspects in this murder? 3 A. You could get technical and say that, yes. 4 Yeah. 5 Q. Okay. We are getting technical. 6 A. Yeah. I mean, we could say, yeah, that 7 anybody involved -- anybody -- the way I understood 8 it, anybody -- or -- there was a person inside that 9 apartment that was involved in a potential homicide 10 investigation. 11 Q. Okay. 12 A. So, yes. 13 Q. And as we sit here today, do you 14 understand that nobody involved in the homicide was 15 present in that apartment? 16 A. I found that out later, yes. 17 Q. Okay. Were you -- what was your position 18 when you found that out later? How did you react to 19 that? 20 A. React? As? 21 Q. What was your feeling about it? 22 A. I actually thought it was weird we didn't 23 find anybody involved. The homicide we were going 24 there for, because we ended up taking gunfire. We 25 had an officer shot. We ended up shooting and</p>	<p style="text-align: right;">69</p> <p>1 Q. And when did you learn that this was a 2 flophouse? 3 A. I believe that was said during the -- the 4 briefing. Is they knew that -- they knew people 5 were transitioning in and out of the apartment. I 6 believe on the recon, they said when they were out 7 on the recon, they observed people standing out 8 front. 9 So, I think it was a one- or two-bedroom 10 apartment, which those places -- typically -- if 11 you're not on the lease you're not supposed to be 12 there. So not saying you can't have people over. 13 But what I gathered is, it was -- people were coming 14 in and out of the apartment, staying there, that 15 probably weren't associated with the apartment. 16 Q. And if I understand correctly, and you 17 tell me if I'm right or wrong, there was actually 18 two apartments that they intended to serve search 19 warrants on, correct? 20 A. Yes. I believe we were going to serve a 21 warrant on the first one and then go to a second 22 one. 23 Q. Were you going to be involved in the 24 second one? 25 A. I don't think I was, actually. I think</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">70</p> <p>1 they had enough manpower -- yeah, I think they had 2 enough manpower, where they were actually going to 3 send Officer Bertuccini and I home. They were going 4 to keep the other officer that came in with us. 5 Q. And so when you qualified this as a 6 flophouse and that your memory is that somehow that 7 was relayed to you during this briefing, was that 8 relied to you about this apartment or the second 9 apartment? 10 A. We only talked about this first apartment. 11 We didn't -- we didn't brief or plan or go over the 12 second apartment. We would have done that after we 13 handled this one. 14 Q. Okay. So your testimony here today is 15 that the briefing at Sam's Town only involved this 16 apartment, not the second -- 17 A. Correct. 18 Q. -- apartment? Okay. 19 A. We were told there was a second apartment 20 that we would handle after this one was secured and 21 handled. 22 Q. Okay. So, we've come up to the point 23 where -- where you've done the briefing at Sam's 24 Town. And it's your testimony here today that you 25 were relayed information that this was some type of</p>	<p style="text-align: right;">72</p> <p>1 correct? 2 A. Uh-huh. 3 Q. Okay. So it was your understanding based 4 on this briefing that it was going to -- it was a 5 flophouse. But the intention of the warrant as you 6 understood it was to obtain evidence related to a 7 homicide; is that -- or did you not have any 8 understanding of that? 9 A. Any I understanding of? 10 Q. What the intent of the warrant was. 11 A. As far as evidence -- 12 Q. Yeah. 13 A. -- goes? 14 Q. Yes. 15 A. I don't believe so. I just -- I know -- I 16 know for a fact we were serving a warrant on this 17 apartment related to a homicide. Whether -- 18 whatever evidence was listed, I -- I don't recall. 19 So -- and then same with the suspects. 20 They'll some -- we'll typically have detailed 21 suspect information. But at the end of the day, 22 that really doesn't concern me. Because as the SWAT 23 team, we're going to take everybody that's -- 24 everybody that's in that premise can be taken into 25 custody under the search warrant. So we're going to</p>
<p style="text-align: right;">71</p> <p>1 flophouse and that there might have been people 2 standing out front, correct? 3 A. Uh-huh. 4 Q. And it's your memory as we sit here today 5 that only information about the apartment, the first 6 apartment, was gone over at the briefing, correct? 7 A. Yes. 8 Q. Okay. And that it was -- just to confirm, 9 it was your understanding -- it was relayed to you 10 that likely, the suspect from the murder that they 11 were investigating would be present at this first 12 apartment, correct? 13 A. Correct. 14 Q. Okay. And also just to confirm, in fact, 15 that suspect was not present, correct? 16 A. I believe after they (indiscernible). 17 THE REPORTER: You believe after? 18 THE WITNESS: After he wasn't -- that he 19 wasn't. 20 BY MS. MURPHY: 21 Q. And -- sorry. And so let me ask your 22 opinion, because you talked about it a little 23 earlier. You said look -- you tell me if I 24 misunderstood your testimony. You said, hey, look, 25 with a flophouse, people don't leave stuff behind,</p>	<p style="text-align: right;">73</p> <p>1 take those people into custody and we're just going 2 to hand them over to the detectives. And that's 3 their job, then, to figure them out. So whether 4 there was one person in there or 15, we're going to 5 take everybody. Because our job is to make the 6 scene safe and then let them determine it. So, the 7 way that I would look at it would -- would be that 8 way. 9 Q. Okay. All right. So now we've gone 10 through what occurred at the -- at the Sam's Town 11 briefing. 12 A. Okay. 13 Q. If you can kind of walk me through what 14 happened following the briefing. And like -- I 15 mean, I made the offer again, do you want to take a 16 quick break? Because I know this will be a long, 17 long dialogue. 18 THE REPORTER: I would. 19 MR. ANDERSON: She's all that matters. 20 MS. MURPHY: The queen has spoken. 21 THE VIDEOGRAPHER: Off record at 11:28. 22 (Off record.) 23 THE VIDEOGRAPHER: We are back on record 24 at 11:39 a.m. 25 ...</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">74</p> <p>1 BY MS. MURPHY:</p> <p>2 Q. Prior to taking our short breaks, we had</p> <p>3 gone through the briefing at Sam's Town. And now if</p> <p>4 you could kind of walk me through what happened --</p> <p>5 and we can break it up however you want, or if you</p> <p>6 want to go through the whole dialogue, that's fine.</p> <p>7 But if you want to -- so the briefing's concluded at</p> <p>8 Sam's Town, and then what happens?</p> <p>9 A. After the briefing, at that point --</p> <p>10 Q. Sorry, I will try not to interrupt you</p> <p>11 going forward.</p> <p>12 We're going to review the body-worn camera</p> <p>13 footage, too, so I'm not trying to do a memory test</p> <p>14 to you, I just want you to walk me through --</p> <p>15 A. That's fine.</p> <p>16 Q. -- and then we're going to review the BWC</p> <p>17 too.</p> <p>18 A. Very simple. After the briefing, we'll --</p> <p>19 we'll typically go load -- or help load up any</p> <p>20 equipment that we need to bring along. Bring a lot</p> <p>21 of standard equipment with us and stuff.</p> <p>22 I think in this situation, or in this</p> <p>23 specific instance, we were taking my vehicle, my</p> <p>24 SWAT vehicle, my SWAT truck, Bertuccini and I.</p> <p>25 So we dressed out, loaded up, loaded our</p>	<p style="text-align: right;">76</p> <p>1 can you explain that to me?</p> <p>2 A. I believe in this incidence we had what --</p> <p>3 we had one of the armored vehicles with us, so we'll</p> <p>4 typically have one of those vehicles that will lead,</p> <p>5 followed by the other trucks, right? So -- because</p> <p>6 in this instance -- I can't remember how many</p> <p>7 officers we had, but we didn't have enough to fit in</p> <p>8 the armored vehicle.</p> <p>9 Q. You mean you had too many to fit in there</p> <p>10 or not enough?</p> <p>11 A. I wouldn't say that. I'd say it's</p> <p>12 probably between the equipment and you typically</p> <p>13 ride on the outside of it. So we don't like to</p> <p>14 overload that in case, you know, get in an accident</p> <p>15 or somebody hits us --</p> <p>16 Q. Sorry, maybe I misunderstood. When you</p> <p>17 said -- you meant that you had too many for everyone</p> <p>18 to ride in the armored vehicle, right? Or you had</p> <p>19 too --</p> <p>20 A. Yeah. There was just -- yeah, too many</p> <p>21 officers. I mean --</p> <p>22 Q. All right.</p> <p>23 A. -- we fit -- try to fit six or eight on an</p> <p>24 armored vehicle, which isn't a lot. But everybody</p> <p>25 else -- because we -- I think they only -- we only</p>
<p style="text-align: right;">75</p> <p>1 equipment up in my truck, and then we kind of have</p> <p>2 a -- you know, a little vehicle package that leaves</p> <p>3 Sam's Town. So we're -- we're briefed the route and</p> <p>4 which way we're going, how we're getting there, you</p> <p>5 know, where our -- where we're turning, where we're</p> <p>6 stopping and all that.</p> <p>7 I remember we left Sam's Town, came out,</p> <p>8 went -- where did we go? Right -- northbound right</p> <p>9 on Nellis, right into the apartment complex. We</p> <p>10 pulled in to the left, went down a couple hundred</p> <p>11 feet, parked the truck, stopped, got out. From</p> <p>12 there, went to get out --</p> <p>13 Q. Sorry, what -- and I said I wasn't going</p> <p>14 to interrupt you and I'm interrupting you. But what</p> <p>15 does "dressed out" mean?</p> <p>16 A. So, we'll throw on our -- you know, our</p> <p>17 vest, helmet, you know, get any of our -- you know,</p> <p>18 make sure our weapons are good, you know, everything</p> <p>19 is loaded. Make sure the -- basically, all our</p> <p>20 equipment is good, right? We have all our equipment</p> <p>21 on, all the stuff that we need. You know, whether</p> <p>22 that's personal equipment or team equipment,</p> <p>23 basically.</p> <p>24 Q. And you said that there will be a car</p> <p>25 package. I think I know what you meant by that, but</p>	<p style="text-align: right;">77</p> <p>1 brought one armored truck -- typically bring two.</p> <p>2 So -- but in that case, we had -- some of the other</p> <p>3 plain SWAT vehicles like mine, just plain, unmarked</p> <p>4 truck. And then we usually have K-9 with us in</p> <p>5 their vehicle, because they have the dog in the</p> <p>6 back. And then medical, so AMR, medical --</p> <p>7 whatever, community ambulance. And then the</p> <p>8 detective vehicles will -- will trail behind. So</p> <p>9 that's kind of the vehicle package.</p> <p>10 Q. Okay. And I thought I knew what you meant</p> <p>11 by that, but I just wanted to make sure.</p> <p>12 A. No, no worries.</p> <p>13 Q. So, sorry. Keep going. So you guys</p> <p>14 arrived, right?</p> <p>15 A. Yeah. So we get there, park the truck, we</p> <p>16 get out. Grab the equipment out of the back seat</p> <p>17 because it's kind of big and cumbersome. Can't</p> <p>18 drive holding it. We get that. From there, we'll</p> <p>19 all kind of just line up real quick. And we</p> <p>20 already -- everybody kind of already knows their</p> <p>21 place, where they're going.</p> <p>22 So we'll get lined up in that kind of</p> <p>23 order, right? So, yeah, like, your -- your breach</p> <p>24 team first, then your entry team, and then your</p> <p>25 containment teams on the side or in the back. Just</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">78</p> <p>1 depend on which -- where we're going exactly. 2 So from there, we'll just kind of line up 3 in the order that we need to go. So once we get to 4 where we're going we can -- everybody is, like -- 5 breaks off into their respective spots. 6 So we do that. And then we start our 7 approach on foot to the target -- 8 Q. Sorry, let me just stop you right there. 9 I want to ask. And I think I know what you mean by 10 these terms, but I just want a clean record. 11 A. Sure. 12 Q. What's the breach team? 13 A. The breach team. Whoever is going to open 14 the door, break the window, that kind of thing. 15 Q. And what's -- so I'm going to ask you the 16 difference, what's the difference between that and 17 the entry team? 18 A. So, the breach team, their sole 19 responsibility is to gain the access, right? 20 Whether that's ramming the door. In this case, ram 21 the door, right? And then they're not going to ram 22 the door and run in. They're going to ram the door, 23 move out of the way, let the entry team come in, and 24 by the time the last guy comes in, they're going to 25 fall in on the back.</p>	<p style="text-align: right;">80</p> <p>1 Q. All right. And so -- and I'm going to 2 jump around a the bit. I'm going to hold off on 3 going into the actual incident itself. 4 A. Sure. 5 Q. But as a result of this incident, did you 6 have to do, like, any counseling or therapy through 7 LVMPD? 8 A. After? 9 Q. Yeah. 10 A. Uh-huh. 11 Q. What did you have to do? 12 A. See a department psychologist. 13 Q. And how long? 14 A. How many visits did I have? I'm not sure. 15 Probably a handful. 16 Q. Okay. 17 A. Yeah. 18 Q. Maybe between five and six or somewhere in 19 that range? 20 A. Probably in that range, yeah. 21 Q. Okay. And did you have any emotional 22 impact or effect as a result of being involved in 23 this officer-involved shooting? 24 A. No. 25 Q. Okay.</p>
<p style="text-align: right;">79</p> <p>1 Q. Okay. And then what's the difference 2 between the entry team and the containment team? 3 A. So, the containment teams are -- what they 4 are, kind of contain kind of the area. So the entry 5 team is the one actually going inside, the 6 containment team is holding the outer -- the 7 outside, more or less. 8 Q. And so what team, as -- I know you were 9 holding the shield and you were on a group with 10 Bertuccini. But were you part of the breach team, 11 entry team, or containment team? 12 A. So, that would have been the window -- 13 we'll use different terms. That one was the window 14 containment team. So -- because we knew we were 15 going to window, we were going to take out that 16 window. But at the same time, we're going to 17 contain it, too. So -- you know, so nobody can jump 18 out of the open window we created. 19 Q. Okay. And I'm sorry, keep going. 20 A. No. So we get there. We start making the 21 approach on foot. And then we all break off in our 22 respective positions. And go -- go to work. 23 Q. Okay. 24 A. Wait for the plan to be initiated, more or 25 less.</p>	<p style="text-align: right;">81</p> <p>1 A. No. 2 Q. All right. So, I'm sorry. So, you're -- 3 if you can actually talk me through, you guys get up 4 to the unit. And -- 5 A. Uh-huh. 6 Q. -- you -- you and Bertuccini are on what 7 you described to me as kind of a containment team, 8 right? Even though technically you are kind of 9 breaching the apartment, too, because you're -- 10 A. Correct. 11 Q. -- yeah, you're breaking the window. And 12 so if you can kind of walk me through -- and so the 13 window was on the side of the apartment, correct? 14 A. Correct. 15 Q. Like, along the wall. You guys weren't 16 standing next to the door, correct? 17 A. Right. It was, like, kiddy corner to the 18 door, yes, on the other side. 19 Q. Perfect. It was on the other side. 20 A. Right. 21 Q. Okay. All right. So, sorry, go ahead. 22 A. That's -- we take our respective 23 positions, and -- I mean, sometimes the plans, in 24 this case, too, the plan was being started as we 25 were getting to our final position.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">82</p> <p>1 Q. So what does that mean? What did -- the</p> <p>2 plan is getting started as we get to our final</p> <p>3 position?</p> <p>4 A. So we will -- they'll make a determination</p> <p>5 of how the plan will start. I know in this instance</p> <p>6 it was, hey, as soon as we land, when we say land,</p> <p>7 that means we're getting there, right? So as soon</p> <p>8 as -- as soon as the breach team lands, so that</p> <p>9 means the breach team is there at the front door and</p> <p>10 they're getting prepared to use the ram and hit the</p> <p>11 front door, the entry team is already stacked up.</p> <p>12 So, hey, as we land, we're going to give out the</p> <p>13 announcements. So bullhorn, hey, it's Metro police,</p> <p>14 you know, give the address, location, whatever, or</p> <p>15 yell out, police with a search warrant.</p> <p>16 They'll -- we'll kind of hustle around if</p> <p>17 we're not already there, but make sure we're in our</p> <p>18 position. And then I believe in this incidence, it</p> <p>19 was on the -- I actually can't recall exactly, but I</p> <p>20 believe it was on the second -- it's typically the</p> <p>21 second or third announce is when we'll deploy our</p> <p>22 little two-man plan with Officer Bertuccini and I of</p> <p>23 inserting the stun stick into the window, breaking</p> <p>24 out the window. And then I would step in with the</p> <p>25 shield and cover the window.</p>	<p style="text-align: right;">84</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. So if I understand kind of what</p> <p>3 you're telling me, was that you kind of heard, like,</p> <p>4 what, like a couple -- you heard two announcements</p> <p>5 and then what happens?</p> <p>6 A. We enact -- we enact our plan.</p> <p>7 Q. Okay. And tell me in this case</p> <p>8 specifically, describe to me what your plan was and</p> <p>9 how you enact -- or describe to me the enactment of</p> <p>10 your plan.</p> <p>11 A. For Officer Bertuccini and I?</p> <p>12 Q. Correct.</p> <p>13 A. Okay. So, on the second announcement,</p> <p>14 that means he was going to break the window with the</p> <p>15 stick, right? Insert it, and then deploy it, right?</p> <p>16 So get the distract device to go off. And then at</p> <p>17 the same time, he'll use that same stick and pull</p> <p>18 the window out, like, the window coverings, you</p> <p>19 know, the curtains, stuff like that. Whatever -- I</p> <p>20 think -- I think there was mini blinds, in there</p> <p>21 pull those down at the same time. Get a majority of</p> <p>22 the glass out of the window.</p> <p>23 And then he'll move back, and then I --</p> <p>24 I'll step in with the shield. Because I know the</p> <p>25 team is also -- excuse me -- coming in as well,</p>
<p style="text-align: right;">83</p> <p>1 So that kind of all came fairly quick,</p> <p>2 right? So as -- I think -- as we were walking up</p> <p>3 they started initiating the plan of, hey, we're</p> <p>4 going to give out the police -- search warrant,</p> <p>5 police search warrant, we hear that twice. We enact</p> <p>6 our plan, they ram the door, go in.</p> <p>7 Q. And so I read, you know, quite a bit --</p> <p>8 I've read a lot of different interviews. I know</p> <p>9 you've only read your interview.</p> <p>10 But what keeps coming up as I read these</p> <p>11 is that the -- if I understand it correctly, kind of</p> <p>12 the -- like, what was agreed or what your normal</p> <p>13 course of action was, is that you guys had to wait</p> <p>14 two announcements and then you could start the</p> <p>15 breach, correct?</p> <p>16 A. Okay. Is it -- is it two? I -- it's</p> <p>17 usually two to three, yeah.</p> <p>18 Q. Okay. And so -- and that was, like, no</p> <p>19 matter how fast those two or three announcements</p> <p>20 comes out, that was kind of what you guys would wait</p> <p>21 for, right? Is, like, okay, wait for at least two</p> <p>22 or three announcements and then we breach, correct?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Okay. Sorry, keep going. So you're up at</p> <p>25 the -- so you --</p>	<p style="text-align: right;">85</p> <p>1 right? So I have the shield, so there's not -- you</p> <p>2 know, we can mitigate the crossfire issue of anybody</p> <p>3 getting hit with crossfire.</p> <p>4 And then, essentially, I'll fill the</p> <p>5 window with the shield more or less, and see, you</p> <p>6 know, what's going on in this case, you know. In</p> <p>7 this instance, as soon as he pulled out of the</p> <p>8 window and I stepped up, there was gunfire going</p> <p>9 off.</p> <p>10 Q. Okay. And how -- how big is the shield?</p> <p>11 A. It's 24 by 36 inches.</p> <p>12 Q. How heavy is it? You don't have to know</p> <p>13 exact weight. If you could just kind of describe</p> <p>14 it.</p> <p>15 A. Ten to twelve pounds.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah.</p> <p>18 Q. And I'm going to ask you, when I was</p> <p>19 reading your CIRT interview, you said, then I</p> <p>20 stepped up with the shield. I just kind of laid it</p> <p>21 off. I didn't fill the window completely, which I'm</p> <p>22 glad I didn't.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Why were you -- and I really want to know,</p> <p>25 why were you -- I didn't understand that statement.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">86</p> <p>1 Why were you glad you didn't fill the window 2 completely? 3 A. So, when I say "fill the window", I don't 4 mean, like, actually replacing the window with the 5 shield. I mean just -- presenting the majority of 6 the shield in the window, right? Because the goal 7 is, is the shield has a little view port in it, 8 right? Is to look through there to see, you know, 9 what's going on, right? In this case, it was taking 10 gunfire. 11 So, had I been up to the window where 12 Williams was, because he turned back and fired at 13 me, which the shield was struck by his gunfire. Had 14 I been -- I was kind of can- -- my body was kind of 15 canted. Had I been, like, traditionally standing up 16 in front of it like this, instead of more like, you 17 know, standing off to the side position, I would 18 have been struck by his gunfire. So that's what I 19 meant when I made that statement. 20 Q. And we'll go through it, too. But -- 21 because you just mentioned -- I kind of wanted to 22 get some clarification on that. 23 Reading your prior interviews, it wasn't 24 clear to me, did you feel that Williams was shooting 25 at you specifically, or did you feel like he was</p>	<p style="text-align: right;">88</p> <p>1 I would -- if I had to guess, and this is my guess, 2 is the light did draw his attention and that's why 3 he turned. And when I say turned, I mean, he was 4 laying on a couch. All he had to do was move his 5 hand over. So... 6 Q. Right. 7 A. And then shot out -- shot out at the 8 window where I was. 9 Q. Right. But you hadn't -- you hadn't -- 10 you hadn't pulled your trigger of your gun at that 11 point in time, had you, when you just flashed the 12 light on and off? 13 A. No. 14 Q. Okay. And thank you for bearing with me. 15 I know I jump around, but you mentioned it, so I 16 wanted to get to that. 17 A. Okay. 18 Q. So, you guys come up to the -- if you 19 could kind of walk me through. You come up to the 20 window, you hear two announcements, and then -- I 21 know we've kind of covered it, but I'd like to hear 22 your whole narrative. 23 So you come up to the window, and then 24 please walk me through what happened. 25 A. So I come up to the window. At that point</p>
<p style="text-align: right;">87</p> <p>1 just arcing his gun? 2 A. He shot at me specifically. Because I 3 could see the muzzle flashes from his gun. That 4 means he's shooting -- shooting at me. Plus, I 5 could feel the bullet hit the shield. 6 Q. Right. I guess my question is a little 7 bit different. I don't mean is he shooting at 8 your -- in your direction. You talked about turning 9 your light on and off and how you thought that drew 10 his attention to -- in that direction -- in your 11 direction, correct? 12 A. Yes. 13 Q. So when I say shooting at you directly, 14 what -- I guess what I'm trying to dial in a little 15 bit more is, do you feel that he was shooting at you 16 specifically as an officer, or do you think that he 17 was just shooting around, and then also the light of 18 your gun distract -- pulled his attention? Do you 19 understand the difference I'm making? 20 A. I mean -- yeah, we kind of -- really lead 21 up to that point with the whole light coming on and 22 off type thing. 23 Q. Right. I jump around. Thank you for 24 bearing with me. 25 A. But -- I don't know what his intent was.</p>	<p style="text-align: right;">89</p> <p>1 the window is already taken out, Bertuccini has kind 2 of stepped back off to my back left. 3 Q. Yeah, so, sorry. I guess I was going 4 to -- I should have asked before. Is he to your 5 left or to your right? 6 A. Left. 7 Q. Okay. So he goes to the window, steps 8 back, and then you pull up, right? 9 A. Uh-huh. 10 Q. Is it -- I don't -- 11 A. Step up, walk up. 12 Q. Okay. So, sorry, go ahead. 13 A. So I -- he steps out, I step up. Because 14 of the distract device, when it goes off, especially 15 inside of a structure, it creates a lot -- you know, 16 it's designed to create smoke and flash and noise. 17 It creates quite a bit of smoke. And where it's 18 deployed, that smoke is pretty heavy. 19 So, the vacuum effect or the air flow at 20 that time when they hit the front door open with the 21 window being broken, it created all that smoke to 22 kind of get pushed out of the window. So as I 23 stepped up, I kind of was stepping up into the 24 smoke, of the distract device going off. 25 So I stepped up -- I could hear the</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">90</p> <p>1 gunfire, but I couldn't really see where it was 2 from. So I clicked on the light, the pistol that I 3 have has a light on it. I clicked it on and 4 immediately was blinded because of all the smoke. 5 So, that smoke, you know, dissipates real quick. I 6 mean, it -- you know, it's not like it hangs around 7 for ten minutes, right? 8 So, in that time from clicking my light 9 off, it -- or clicking it on and then clicking it 10 off, that's when I saw the muzzle flashes and felt 11 the shield getting hit. And I was, like, okay, the 12 guy is right here. He's right in front of me. 13 So, I -- and I knew the officers -- I had 14 seen them kind of come out and go -- you know, come 15 along this way in the apartment. So, I was able to, 16 you know, quickly realize, like, okay, he's right 17 here, kind of in this corner. So then I clicked 18 light back on the second time, the smoke had already 19 kind of dis- -- you know, cleared out, clicked on 20 the light, saw him shooting, and so I had to return 21 fire and shoot -- shoot back. 22 Q. Okay. 23 A. So...I ended up firing three rounds. And 24 then at that point, I -- I assessed that, okay, he's 25 not moving any more. He's deceased, right? So,</p>	<p style="text-align: right;">92</p> <p>1 that. We're just going to go over that stuff. 2 And so in terms of the shield -- hold on 3 one second. I'm going to tear this off. Okay. I'm 4 going to hand you pictures of what I understand are 5 the shield. If we could please mark these as? 6 THE REPORTER: 3. 7 MS. MURPHY: 3, Exhibit 3. 8 (Exhibit No. 3 was marked.) 9 BY MS. MURPHY: 10 Q. And I know that you don't have a 11 photographic memory, but if I present this to you, 12 that this has been put in the report that this was 13 the shield that you used at the time of the 14 officer-involved shooting, is that consistent with 15 your memory? 16 A. Uh-huh. Yes. 17 Q. And it shows the -- I guess it's the 18 bullet point, it's marked as A1 right here. Do you 19 see that? Is that -- is that -- I'm assuming 20 they're trying to -- 21 A. Yes. 22 Q. -- call that out. 23 A. Yeah. 24 Q. And so this is the shield, and that's 25 the -- they also called it out as the round impact,</p>
<p style="text-align: right;">91</p> <p>1 stop -- I stopped firing. I believe everybody else 2 did, too, at kind of the same time. 3 So at that point, I stayed in the window 4 because that's my job. Just kind of observe what 5 was going on real quick, make sure everybody was 6 good. I didn't realize anybody had really been shot 7 yet. So I know I had, right, the shield -- well, 8 the shield had that I was holding, so I kind of 9 stepped back real quick and look and -- I looked at 10 the shield, and I was, like, oh, man, you know, the 11 shield took a couple rounds. 12 And then I know Bertuccini and I asked, 13 hey, are you okay? Are you good? Let's check 14 yourself. Check yourself, cool. We both realized 15 we -- we weren't struck by gunfire. 16 And then after that, it's -- just the -- 17 kind of the FIT and CIRT process that follows, you 18 know. And that's -- right? Treating the injured 19 officer, containing the scene, locking it down. You 20 know, kind of the police response to shootings, 21 right? You know, isolating the -- the officers who 22 shot, right, and all that. 23 Q. Let's take -- let's kind of pause there, 24 and we'll get into the rest of it. I just want to 25 go back over -- I've got some photos and stuff like</p>	<p style="text-align: right;">93</p> <p>1 correct? 2 A. Yes. 3 Q. All right. And then I'm going to ask -- 4 this is another page from the report, and it's Bates 5 LVMPD 004271. We'll mark this as Exhibit 4. 6 (Exhibit No. 4 was marked.) 7 BY MS. MURPHY: 8 Q. James, is this you? 9 A. That's me. 10 Q. All right. 11 A. Yup. 12 Q. And so when you said earlier "dressed 13 out", is this what you meant? You're -- I would 14 call it suited up, but... 15 A. Yes, yeah. 16 Q. And this is taken from the -- is this 17 photo taken from the day of the incident, to the -- 18 do you know -- if you can -- 19 A. Yes, it was. Yeah. 20 Q. And so this is all the equipment that you 21 were wearing on the day of the incident, correct? 22 A. Correct. 23 Q. Okay. And there's also a picture of a -- 24 what I understand is a Glock 17 on here. Was this 25 your service weapon the day of this incident?</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">94</p> <p>1 A. Correct.</p> <p>2 Q. And this is -- is this the weapon that you</p> <p>3 discharged?</p> <p>4 A. Correct.</p> <p>5 Q. And you talked about the light that you</p> <p>6 turned on. Is this -- I mean, it looks to me like</p> <p>7 a -- like a little flashlight underneath. Is that</p> <p>8 what you had turned on?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you know what kind of flashlight</p> <p>11 that is, by any chance?</p> <p>12 A. It's called a Modlite, M-o-n- -- or</p> <p>13 M-o-d-l-i-t (sic).</p> <p>14 Q. And you seem to know about it pretty well.</p> <p>15 Can you tell me, is there, like, something special</p> <p>16 about that kind of light?</p> <p>17 A. It's just a higher quality light.</p> <p>18 Q. And you tell me if I'm -- what do you mean</p> <p>19 by higher quality? Sorry. Like, brighter or more</p> <p>20 focused?</p> <p>21 A. Just, knowing it, you know, through kind</p> <p>22 of tactical industry, that it's a -- it's a</p> <p>23 well-known brand. Like, it's, you know, military</p> <p>24 uses it, stuff like that. Just a robust -- you</p> <p>25 know, it's --</p>	<p style="text-align: right;">96</p> <p>1 this something special for SWAT?</p> <p>2 A. This is standard for Metro overall, yeah.</p> <p>3 Q. Okay, all right. And then I'm going to</p> <p>4 hand you some other photos, and I'm going to ask</p> <p>5 that we mark this as Exhibit 5. This is another</p> <p>6 page with a photo of the actual -- I believe the</p> <p>7 apartment building, and it's Bates LVMPD 004405.</p> <p>8 (Exhibit No. 5 was marked.)</p> <p>9 BY MS. MURPHY:</p> <p>10 Q. And this has been described in the report</p> <p>11 as Officer Rothenburg's perspective. Would you</p> <p>12 agree with that?</p> <p>13 A. Yeah, yes.</p> <p>14 Q. Okay. As we sit here today, and the</p> <p>15 shield's sitting there, too. As we sit here today,</p> <p>16 is this the window that, to your recollection,</p> <p>17 Officer Bertuccini had put the stun stick through</p> <p>18 and then you put the shield --</p> <p>19 A. Yes.</p> <p>20 Q. -- in front of?</p> <p>21 All right. And so I see -- you tell me if</p> <p>22 I'm right or wrong. I see that the shield was still</p> <p>23 there. So when you left this area, you just left</p> <p>24 the shield there; is that correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">95</p> <p>1 Q. If I --</p> <p>2 A. You can drop it more than once. Battery</p> <p>3 life is good.</p> <p>4 Q. If I called this a military-grade light,</p> <p>5 would you agree with that? If you don't, that's</p> <p>6 fine.</p> <p>7 A. I would say that they use it.</p> <p>8 Q. Okay.</p> <p>9 A. But, yeah.</p> <p>10 Q. Okay. So is -- would it be fair if I said</p> <p>11 that this is a light that is commonly used by -- by</p> <p>12 either police officers or military; is that</p> <p>13 accurate?</p> <p>14 A. Correct, yeah. Uh-huh.</p> <p>15 Q. And does the gun -- I don't know anything</p> <p>16 about the guns. Does the gun come like this or do</p> <p>17 you put it on there?</p> <p>18 A. No, the light and then the sight up there</p> <p>19 on the top is after. That's -- doesn't come with</p> <p>20 the gun.</p> <p>21 Q. Okay. And is it -- is this standard,</p> <p>22 though, that they -- the police force for SWAT</p> <p>23 modifies these Glocks like this? Or is it just</p> <p>24 for -- sorry, strike that. Let me ask this again.</p> <p>25 Is this standard for all officers, or is</p>	<p style="text-align: right;">97</p> <p>1 Q. Okay. Is that, like, standard protocol?</p> <p>2 Like, if you would have a piece of equipment like</p> <p>3 that and there's an officer-involved shooting, you</p> <p>4 just leave it there?</p> <p>5 A. Yeah. It was considered a piece of</p> <p>6 evidence at that point, yeah.</p> <p>7 Q. Okay. And I guess that's a better way for</p> <p>8 me to ask that, is that was, like, is it normal,</p> <p>9 something's considered a piece of evidence that you</p> <p>10 just leave it on the scene?</p> <p>11 A. Yes.</p> <p>12 Q. But you didn't leave your gun on the</p> <p>13 scene, did you?</p> <p>14 A. No.</p> <p>15 Q. Did you hand that over to somebody</p> <p>16 immediately?</p> <p>17 A. Not initially, no.</p> <p>18 Q. Okay.</p> <p>19 A. But they did take it, yeah.</p> <p>20 Q. How soon after did they take it?</p> <p>21 A. Couple hours.</p> <p>22 Q. Okay. And, so, we kind of walked through</p> <p>23 the actual incident itself. And like I've said a</p> <p>24 few times, we're going to watch the BWC as well.</p> <p>25 But if we can kind of -- we'll loop back to that.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">98</p> <p>1 If I can -- you can kind of tell me about what 2 happened in the hours after the incident. 3 A. Okay. 4 Q. So obviously -- not obviously. But, 5 they -- just to confirm, you weren't on the breach 6 team. You didn't go through the front door, 7 correct? 8 A. Correct. 9 Q. Okay. And so everything kind of -- would 10 they -- would you call it securing the apartment? 11 A. As far as? 12 Q. Like, everyone -- like, everyone is kind 13 of accounted for, Kubla's been taken out. 14 A. Securing the area, yeah. 15 Q. Okay. So the area has been secured. And 16 so then what happens then? 17 A. At that point, we're just kind of waiting 18 for the notifications to be made to all the 19 respective investigative units. This, I believe, is 20 five-something in the morning. So they're probably 21 still -- I would assume they were still asleep. So, 22 you know, have to wait for them to get up, get 23 dressed, respond to where we were at. So it takes a 24 little while. 25 And then also with it being an</p>	<p style="text-align: right;">100</p> <p>1 arrived. 2 Q. Is that a PPA attorney? 3 A. FOP. 4 Q. FOP, okay. 5 A. FOP attorney. 6 In the meantime, they -- while waiting to 7 be interviewed, because they had -- you know, there 8 was quite a few officers involved, I believe I 9 conducted an interview with the Force Investigation 10 Team first, FIT. 11 And then from there, I waited -- they gave 12 me a Breathalyzer test, right, to see if I had 13 consumed any alcohol previously. And then also 14 conducted a urinalysis as well. They took that. 15 Then I met with the PEEP representatives, 16 employee -- Police Employee Assistance Program. So, 17 talked to them. 18 And then I went and did the actual 19 criminalistics process, which -- that's when they 20 take -- take my handgun, right? Take the handgun in 21 this case. They took it, photographed it, wrote 22 down all the serial numbers. They took all the 23 ammunition that I had, that I was carrying, and 24 counted it all down. How many kind of bullets were 25 there, to make sure that, you know, I said I fired</p>
<p style="text-align: right;">99</p> <p>1 officer-involved shooting, they have to get, you 2 know, the criminalistic section out there, right? 3 CSI to come out and process the scene. So, there's 4 interviews involved, there's body camera review. So 5 it's a fairly lengthy process initially. 6 Q. Okay. And that occurs at the scene, 7 correct? 8 A. Yes. 9 Q. And so if you can remember, to the best of 10 your memory, if you can give me your best estimate, 11 too, approximately how long after the actual 12 officer-involved shooting did you remain on the 13 scene for? 14 A. About six hours. 15 Q. Okay. And is it fair for me to assume 16 that that six hours kind of involved you getting 17 interviewed, providing evidence, them doing these 18 types of things? Or tell me -- is that correct? 19 A. Yes. 20 Q. Okay. Did they do things, like, did they 21 swab your hands for gun powder? I really don't 22 know. I'm asking. 23 A. No. So they'll -- I had to write -- you 24 know, I'm entitled to representation at that point. 25 So, I was waiting for my attorney to arrive. He</p>	<p style="text-align: right;">101</p> <p>1 three rounds, that three rounds were expended. 2 And then they noticed me for the 3 investigation, you know, for the -- the CIRT 4 interview and all that stuff. 5 And then released -- basically released me 6 back to SWAT, SWAT team, right? So we had to 7 collect up all the equipment and stuff that we had. 8 And then leave -- leave the scene eventually. 9 Q. Did you go back to work the next day or 10 did you have a certain amount of time off relative 11 to the -- being involved in the officer-involved 12 shooting? 13 A. No. They make you take time off, yeah. 14 Q. Do you remember approximately how long you 15 took off? 16 A. I believe I was off for close to six 17 months. 18 Q. Okay. 19 A. Almost, yeah. 20 Q. And was that -- do you understand -- do 21 you know why you were off for that length of time? 22 A. Just -- it's just the length of the 23 investigation, more or less. That, and coupled with 24 the -- meeting with the psychologist, right? And 25 their assessment of when they determine you're</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">102</p> <p>1 mentally fit to go back to work. So...</p> <p>2 Q. Okay. And having reviewed what I think is</p> <p>3 actually the -- the CIRT interview, there was two --</p> <p>4 and we talked about it a little bit. There was two</p> <p>5 interviews, right? There's the FIT interview and</p> <p>6 then there's the CIRT interview, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. And so the FIT interview was taken</p> <p>9 that same day, correct?</p> <p>10 A. (The witness moved his head up and down.)</p> <p>11 Yes.</p> <p>12 Q. But it wasn't on the scene, you went</p> <p>13 somewhere. Did you go down to, like, an office?</p> <p>14 You went down to an office, correct?</p> <p>15 A. No, it was on -- it was on scene.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah. In the parking lot.</p> <p>18 Q. Okay. All right. And then my</p> <p>19 understanding, having reviewed the CIRT -- your CIRT</p> <p>20 statement is that that was nine days later; is that</p> <p>21 consistent with your recollection?</p> <p>22 A. I believe so. I don't remember how many</p> <p>23 days or far apart it was.</p> <p>24 Q. It was -- was it fair to say that -- well,</p> <p>25 you tell me. Is your memory that it was kind of</p>	<p style="text-align: right;">104</p> <p>1 reaction for it to deploy. You have to pull it down</p> <p>2 and then let go of it, right?</p> <p>3 So the first couple times people use it,</p> <p>4 they tend to, like, let the handle ride, which is</p> <p>5 not enough force to hit the shotgun primer. So</p> <p>6 that's why I kept saying pulling it, pull it. Or if</p> <p>7 they don't pull it all the way down, then that will</p> <p>8 also create that kind of malfunction, more or less.</p> <p>9 Q. Do you think that there's an actual</p> <p>10 problem with how this is designed?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. No.</p> <p>14 Q. But do you think that -- you tell me if</p> <p>15 this is right or wrong. Do you think Bertuccini</p> <p>16 kind of fumbled with it a little bit?</p> <p>17 A. No, not that he fumbled with it. I mean,</p> <p>18 he just had to release it. That's it.</p> <p>19 Q. Okay.</p> <p>20 A. So...</p> <p>21 Q. And then --</p> <p>22 A. But they're also -- I'm sorry.</p> <p>23 Q. No, no, keep going. Please keep going.</p> <p>24 A. There also is a delay, too. Right? So</p> <p>25 there's, like, a -- I think a one-and-a-half second</p>
<p style="text-align: right;">103</p> <p>1 fairly soon thereafter?</p> <p>2 A. Yes, yes.</p> <p>3 Q. And these interviews seem pretty intense.</p> <p>4 What was your feeling -- what was your experience</p> <p>5 going through these interviews?</p> <p>6 A. It's just very thorough.</p> <p>7 Q. Okay. And did you make any notes that you</p> <p>8 took with any -- to any of the interviews with you?</p> <p>9 A. No.</p> <p>10 Q. Okay. All right. And we'll see it in the</p> <p>11 body-worn camera footage, too.</p> <p>12 But was there an issue with Officer</p> <p>13 Bertuccini having a problem with the stun stick?</p> <p>14 A. Initially, I just kept telling him to</p> <p>15 pull. I kept saying pull, pull, pull. Because it</p> <p>16 was a newer -- it was a newer stun stick that we</p> <p>17 were using. So, take -- get it to actually deploy,</p> <p>18 it's -- I don't know -- it's not difficult, but it</p> <p>19 required -- you know, it's a plunger-type system.</p> <p>20 But you have to release it because it's -- it's</p> <p>21 spring-loaded.</p> <p>22 So if you pull it down and then let it</p> <p>23 ride up, like -- it's got to hit a -- basically a</p> <p>24 shotgun primer. So if you try to ride it up, it</p> <p>25 won't engage the primer which will start the chain</p>	<p style="text-align: right;">105</p> <p>1 delay on it.</p> <p>2 So sometimes they'll already pull it, and</p> <p>3 you're already, like, hey, pull, pull. And they've</p> <p>4 already done it, you're just kind of waiting for it</p> <p>5 to go off. So it could have been a little bit of</p> <p>6 that, too.</p> <p>7 Q. Now, maybe this is a dumb question. How</p> <p>8 does this not blow up in your hands?</p> <p>9 A. It's on top of a stick.</p> <p>10 Q. Okay.</p> <p>11 A. Yeah.</p> <p>12 Q. That's where the actual firing mechanism</p> <p>13 is? Or, like, where the gun powder is loaded?</p> <p>14 A. The distract device is at the top, yeah.</p> <p>15 Q. Okay, all right. And then I wanted to --</p> <p>16 you talked about it a little bit, but I wanted to go</p> <p>17 back to this. Because what you said in your CIRT</p> <p>18 statement was, so when I shined my light into the</p> <p>19 smoke, it basically -- it blinded me. I couldn't</p> <p>20 see anything, like, shining or headlights in the</p> <p>21 fog.</p> <p>22 A. Uh-huh.</p> <p>23 Q. And so we talked about it a little bit</p> <p>24 before, and I just want to confirm. Yeah, when you</p> <p>25 turned that light on, it actually created an</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">106</p> <p>1 atmosphere where nothing could be kind of seen; is</p> <p>2 that correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And as we sit here today, your</p> <p>5 testimony is that you think that the shining of the</p> <p>6 light drew Mr. Williams' attention to your</p> <p>7 direction, correct?</p> <p>8 A. Uh-huh. Correct.</p> <p>9 Q. Okay. And I apologize if I've asked this.</p> <p>10 But just so that I understand. You didn't</p> <p>11 understand what the -- did you know what the actual</p> <p>12 search warrant was looking for?</p> <p>13 A. Just the homicide suspect.</p> <p>14 Q. Okay.</p> <p>15 A. Yeah. Not identified specifically.</p> <p>16 Q. Okay. Do you think that it's necessary</p> <p>17 for you to know what items a search warrant is</p> <p>18 looking for?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you -- and I know that you're</p> <p>21 saying no, but I'm going to ask you a follow-up</p> <p>22 question.</p> <p>23 A. Uh-huh.</p> <p>24 Q. So wouldn't you -- is -- is your approach</p> <p>25 different if the items are something that can</p>	<p style="text-align: right;">108</p> <p>1 hard, physical evidence that can't easily be</p> <p>2 destroyed, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And so you tell me if I'm right or wrong.</p> <p>5 You knew that this was a homicide warrant, correct?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And so was your -- did you even think</p> <p>8 about it, or was just the assumption, like, well,</p> <p>9 we're looking for homicide-type stuff, like a gun or</p> <p>10 knife or something like that.</p> <p>11 A. Yes.</p> <p>12 Q. Okay. But you were also looking for the</p> <p>13 suspects, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And the intention was to detain them,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And they asked you about it in the</p> <p>19 CIRT interview, but I don't -- I just want to</p> <p>20 confirm, because you -- are you aware that there's</p> <p>21 an -- you're aware that there's an issue with the</p> <p>22 brass wrap on the door, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. But you weren't on the team that</p> <p>25 was breaching at the door, correct?</p>
<p style="text-align: right;">107</p> <p>1 perhaps be easily destroyed versus not easily</p> <p>2 destroyed?</p> <p>3 A. I guess, yeah.</p> <p>4 Q. So then wouldn't it be important to know</p> <p>5 what the search warrant is looking for?</p> <p>6 A. I mean, in this case, you know, like,</p> <p>7 narcotics, we know we're looking for narcotics. In</p> <p>8 this case, it was homicide. We know we're looking</p> <p>9 for a person, right? Or evidence of the homicide,</p> <p>10 which that could be anything. It could be a weapon,</p> <p>11 it could be clothing, it could be a knife. I mean,</p> <p>12 it could be...</p> <p>13 Q. Nothing, though, that can be destroyed,</p> <p>14 correct?</p> <p>15 A. Depends.</p> <p>16 Q. Let me -- let me -- let me ask this in a</p> <p>17 better way.</p> <p>18 If -- if you're doing a narcotic search</p> <p>19 warrant and you're going after cocaine, you know</p> <p>20 that that's something that can be destroyed, right?</p> <p>21 A. Depending on how much it is, yeah, right.</p> <p>22 Q. Let's say it's a destroyable amount.</p> <p>23 A. Okay.</p> <p>24 Q. Okay. And so that's going to be different</p> <p>25 than if you're looking for a gun or knife or other</p>	<p style="text-align: right;">109</p> <p>1 A. Correct.</p> <p>2 Q. Yeah. And so at the time that that may or</p> <p>3 may not have been going on, were you aware of that</p> <p>4 at all?</p> <p>5 A. No.</p> <p>6 Q. Okay. And you were part of the explosive</p> <p>7 breach unit, correct?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Would you --</p> <p>10 A. Yes.</p> <p>11 Q. Sorry. Yes?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And would you have to do recons to</p> <p>14 serve those breach -- or the explosive breach</p> <p>15 warrants?</p> <p>16 A. Yeah, they would typically -- we would</p> <p>17 typically take somebody that's -- their specialty</p> <p>18 and bring them along, yes.</p> <p>19 Q. Okay.</p> <p>20 A. If that was what they decided to do or</p> <p>21 use.</p> <p>22 Q. Okay. And knowing kind of like the</p> <p>23 totality of all the circumstances here, do you think</p> <p>24 that this warrant could have been served any</p> <p>25 differently?</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">110</p> <p>1 A. I mean, we could have -- based off the</p> <p>2 totality, we could have used an explosive breach on</p> <p>3 the door or the window or both. But as far as</p> <p>4 serving it, I believe we were -- everything else was</p> <p>5 in line with our normal procedures and how we've</p> <p>6 done it in the past.</p> <p>7 Q. And that's in line as it was in 2022,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And you were involved in a prior</p> <p>11 incident with an explosive breach, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And can you kind of walk me through what</p> <p>14 happened in that?</p> <p>15 A. Which one?</p> <p>16 Q. All of them. If there's more than one. I</p> <p>17 thought there was only one.</p> <p>18 A. Well, I mean, when you say involved in an</p> <p>19 incident, are you talking about deploying one --</p> <p>20 Q. Yes.</p> <p>21 A. -- on a barricade or --</p> <p>22 Q. No, I'm talking -- my understanding was</p> <p>23 that there was one where a lady was standing behind</p> <p>24 the door, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">112</p> <p>1 higher level of approval than the SWAT lieutenant at</p> <p>2 the time.</p> <p>3 Q. Okay. And I -- again, I understand that</p> <p>4 you weren't part of the breach team at the door, but</p> <p>5 you understand -- but you understand that there was</p> <p>6 some question about calling a tactical related to</p> <p>7 the brass wrap on the door and difficulty getting</p> <p>8 through the door, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. What's your position on that? Do</p> <p>11 you think a tactical -- knowing what you know now,</p> <p>12 do you think a tactical should have been called?</p> <p>13 MR. ANDERSON: Objection, form.</p> <p>14 Go ahead.</p> <p>15 THE WITNESS: As we're trying to get in</p> <p>16 the door or...</p> <p>17 BY MS. MURPHY:</p> <p>18 Q. Well, at any time.</p> <p>19 A. Before we see it? Because if we see it, I</p> <p>20 would -- no, no. Because -- just because there's a</p> <p>21 brass wrap on the door doesn't mean that they're --</p> <p>22 we're going to make a tactical call at that point.</p> <p>23 Because it could still be defeated, right? It's not</p> <p>24 a -- it's not one of those things that's going to</p> <p>25 greatly affect anything at the end of the day. Like</p>
<p style="text-align: right;">111</p> <p>1 Q. Okay. Can you kind of walk me through</p> <p>2 that?</p> <p>3 A. So, I wasn't one of the -- even though I</p> <p>4 am one of the breachers on the team, or my team, the</p> <p>5 red team, I wasn't one of the breachers assigned to</p> <p>6 that specific role that day. I was just one of the</p> <p>7 entry officers.</p> <p>8 So, I know in that situation, we had</p> <p>9 elected to use an explosive breach on the door. And</p> <p>10 when they went to deploy explosive breach, the</p> <p>11 female was looking through the peephole of the door</p> <p>12 as it went off. So...</p> <p>13 Q. Did that result in a lawsuit?</p> <p>14 A. It did.</p> <p>15 Q. And there was a -- was there -- there was</p> <p>16 a change in policy after that incident, too,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And was part of that change in</p> <p>20 policy meant that you couldn't -- as it was served</p> <p>21 on October 10, 2022, you couldn't have used an</p> <p>22 explosive breach entry on this type of warrant,</p> <p>23 correct?</p> <p>24 A. It -- you could have, but I believe it</p> <p>25 would require different approval at that point, a</p>	<p style="text-align: right;">113</p> <p>1 if that's something I said -- like I said before, if</p> <p>2 we -- something that was missed or, you know,</p> <p>3 something unexpected that we come across, we'll kind</p> <p>4 of just work through it at that point. So it's not</p> <p>5 something we would call tactical for.</p> <p>6 Q. And --</p> <p>7 A. In my opinion.</p> <p>8 Q. And I'm asking for your opinion.</p> <p>9 A. Yeah.</p> <p>10 Q. And so once, though, that there's these</p> <p>11 multiple hits on the door and the door is not giving</p> <p>12 way, in your opinion, do you think a tactical ought</p> <p>13 to have been called then?</p> <p>14 A. So that also would involve a conversation</p> <p>15 with the breach team, kind of what they would have</p> <p>16 decided. I know typically, when I was involved in</p> <p>17 that, or part of the ram or something, we would say,</p> <p>18 hey, we're going to hit it four times. On the</p> <p>19 fourth time, if I don't get it, I'm going to move</p> <p>20 out of the way.</p> <p>21 And then typically -- the plan would</p> <p>22 typically be to step up with a shotgun to shoot the</p> <p>23 lock, get the door open, and then at that time enact</p> <p>24 a tactical plan.</p> <p>25 But just because we call tactical doesn't</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">114</p> <p>1 mean we're going to stop -- typically, not trying to 2 open the door. We want to get the door open first. 3 Because that's the entry point for the search 4 warrant. 5 Q. And so I've kind of seen tactical used -- 6 the term tactical used in kind of some varying ways 7 throughout all these interviews. 8 A. Right. 9 Q. So if you can explain to me what a 10 tactical is so I can better understand that. 11 A. Right. It's not a hard or fast rule, it's 12 a judgment call. So, typically it's designed for 13 when we, you know, lose that speed or surprise or 14 you see a subject run off, right? The door gets 15 breached open and you see somebody run down the 16 hallway into another bedroom or something. Or we 17 run out of sufficient manpower. So, like, a larger 18 structure where, you know, there's still rooms that 19 need to be cleared but everybody else is already -- 20 we just ran out of officers to put in those rooms. 21 And then you would -- then you would call it. Such 22 as calling out for more people. 23 Q. Okay. And, so, prior to your deposition 24 here today, my understanding of a tactical was that 25 if a tactical is called, everyone kind of pulls</p>	<p style="text-align: right;">116</p> <p>1 you about your experience being on recon, is that 2 you said sometimes the recon will be covert or 3 sometimes it will be more overt. 4 A. Uh-huh. 5 Q. And I wanted to ask you, why would you 6 want overt recon? Like, what's the point of making 7 your presence known? 8 A. Overt? 9 Q. Yeah, you -- I'll -- and I'm not trying to 10 trick you, I'm really interested. And so I'll read 11 you the sentence that you wrote. There's two 12 sentences. Um, and then we'll coordinate with them, 13 how they want to do the recon. If it's, you know, 14 kind of a little more covert or overt type thing, 15 you know, if they want us to use their vehicles or 16 want us to use our vehicles. 17 A. Oh. So in that -- in that case, I meant, 18 like, the investigative unit, if they wanted us to 19 use their vehicles, they're typically covert 20 vehicles. I mean, you don't really -- you would 21 normally look at it and be, like, this is not a 22 police car, right? So SWAT, I have a Ford F350 23 truck, four-door truck, that has visible -- not 24 red -- not red and blue lights, but little light 25 bars on it all over it. Most people know, and</p>
<p style="text-align: right;">115</p> <p>1 back, and then this would have then converted to a 2 Surround and Callout. So as you're explaining to 3 me, that's actually not accurate; is that correct? 4 A. So, in this case, if we called tactical 5 outside -- the plans were -- the breach plans were 6 still supposed to be enacted. But once those 7 happened, then we would -- we would stop. We 8 wouldn't push the entry. Tactical call is -- it's 9 not a pull back type thing, it's more a, hey, let's 10 stop, assess what we have. But at that time when 11 you stop, you know, you just want to be out in the 12 open, you want to move to a position of advantage, 13 right? So you can see something until you determine 14 why that call was made and who made it and for what, 15 you know. So... 16 Q. So I -- I am really trying to understand. 17 So my understanding of calling the tactical was 18 that, yeah, that they would stop trying to do the 19 breach, too. But if I understand how you're 20 explaining it to me right now, they would have still 21 breached through the door, but then pulled back to a 22 tactical advantage area. 23 A. Right, yes, yes. 24 Q. All right. And then one of the things you 25 talked about in your CIRT interview when they asked</p>	<p style="text-align: right;">117</p> <p>1 especially in some of the certain areas of the city, 2 they know that that truck is associated with the 3 SWAT team. So that's what I meant in that case. 4 And then as far as the covert part goes, 5 the detectives will usually tell us, like, hey, 6 we'll take our car, okay? We don't want to -- we 7 don't want to alert them to our presence. Whereas 8 an overt one may be, okay, we're just going to drive 9 through the neighborhood, right? It's a house or a 10 business or something like that. So that's what I 11 meant when I made that statement. 12 Q. Okay. And then one of the other things 13 you said is that -- and this is what your sentence 14 said. When they asked you about getting assigned 15 the recon. 16 A. Okay. 17 Q. You said, um, and then from there, two 18 guys will get assigned the recon. Actually, it's 19 three now. Why did it go from two to three? 20 A. So, I think at that point in time, they 21 decided to use three -- I know we had some newer 22 officers come up. And then -- I just -- I believe 23 it was just an operational change based off of how 24 the recon's conducted. Because of the -- the 25 Assistant Team Leader is -- they're the ones</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">118</p> <p>1 formulating the plan. And them and the team leader 2 are approving the plan more or less, or finalizing 3 the plan. So they talked about including the two 4 officers with the Assistant Team Leader. Because 5 they're -- they're going to formulate the plan, so 6 why don't they go, too. 7 Q. And so you use the term Assistant Team 8 Leader, and I see ATL all over this stuff. Even 9 though they're called assistant, that's actually the 10 guy running the show, correct? 11 A. More or less, yes. 12 Q. Okay. Is the team leader, like -- that's 13 kind of like a sergeant, like, they oversee -- 14 A. Correct, yes. 15 Q. Okay. So you're, like, a team leader now. 16 A. Yes, yeah. 17 Q. All right. And so one of the things that 18 you said in your CIRT interview was, the purpose of 19 that recon is for SWAT to be able in the most safe 20 way, serve that search warrant. And my question 21 about that statement is, do you believe that the 22 recon in this case that was collected enabled you, 23 as a member of the SWAT team, to serve that search 24 warrant in the most safe way? 25 A. Yes.</p>	<p style="text-align: right;">120</p> <p>1 Q. Okay. And to your knowledge, did your 2 three rounds hit him? 3 A. From where I was standing at, I believe 4 so, yes. 5 Q. Okay. And you talked in your CIRT 6 interview about your experience with people 7 encountering the stun stick. And I'll read you your 8 statement on that. And you said, I've just seen it 9 so many times where people that encounter the stun 10 stick just drop to the ground immediately. So, same 11 with the distracts outside. I'm going to ask you in 12 your opinion, based on your experience as a SWAT 13 officer, why do they drop to the ground? 14 A. It's a very loud explosion. I mean, it's 15 light, flash, sound. Most people when they hear 16 that stuff, they drop to the ground because they 17 don't know if something is exploding over them or -- 18 you know, they don't -- they really don't know 19 what's happening. 20 Q. Right. They don't know what's happening, 21 correct? 22 A. It's creating a distraction. 23 Q. Right. And so they don't know if they're 24 being shot at, either, correct? 25 A. It doesn't sound like a gunshot, so I</p>
<p style="text-align: right;">119</p> <p>1 Q. And so you said -- you talked about the 2 stun stick, too. You talked about the shotgun 3 primer. Does it sound like a shotgun going off? 4 A. No, it's just -- just the primer. 5 Q. What's the difference between the shotgun 6 primer and the sound of a shotgun? 7 A. So, the shotgun primer is just igniting a 8 little bit of powder. And the primer -- an actual 9 shotgun round is igniting the primer and all the 10 powder in there, depending on what type of round it 11 is. So it's significantly louder. 12 Q. Okay. And are you aware of that based on 13 your years of experience shooting as a police 14 officer? 15 A. Yes. 16 Q. Okay. And it was -- was it -- based on 17 your testimony, my understanding is, is that it 18 was -- you stopped shooting because you perceived 19 the witness as being -- or sorry, Mr. Williams as 20 being deceased, correct? 21 A. Correct. 22 Q. Okay. But to confirm, you shot three 23 times before you made the assessment that he was 24 likely deceased, correct? 25 A. After I -- yes. Yeah.</p>	<p style="text-align: right;">121</p> <p>1 would assume they don't -- would not -- 2 Q. Well, I'm asking -- 3 A. -- think they would be shot at. 4 Q. Right. But you're saying that your 5 experience is that they drop to the ground 6 because -- and I'm -- they perceive some type of 7 danger, correct? 8 A. Correct. 9 Q. Okay. And then you also said in your CIRT 10 interview -- I'll read the sentence to you and then 11 I want to ask you about it. And then that -- that 12 also creates surprise on the suspects, uh, and as 13 well, you know, when the front door gets blown open 14 or gets knocked down, um, they're usually focused on 15 that and what -- trying to process what's happening. 16 And so my question to you is, is it your experience 17 as a SWAT officer regularly serving warrants that 18 people have trouble processing what's happening? 19 A. I wouldn't say they have trouble 20 processing what's happening. I would say that 21 they -- they may not know what's happening, it's not 22 that they're not processing it. It's just their 23 reaction, whatever it is, is to that stimulus. You 24 know, whether they're going to kind of hold fight or 25 flight type thing.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">122</p> <p>1 Q. Right. So they don't know what's</p> <p>2 happening.</p> <p>3 A. I -- I guess you could say that. I mean,</p> <p>4 they know that -- they know that there's something</p> <p>5 going on.</p> <p>6 Q. Right.</p> <p>7 A. They're just not 100 probably percent what</p> <p>8 it is. I mean -- and it's hard to tell. If they</p> <p>9 heard, hey, the police, right, or police search</p> <p>10 warrant and then they hear an explosion, they are</p> <p>11 probably going to drop -- they'll most likely drop</p> <p>12 to the ground. At least that's my experience in all</p> <p>13 the search warrants that I've served.</p> <p>14 Q. Okay. But the purpose of doing these</p> <p>15 distracts is to stun them and surprise them and</p> <p>16 disorient them, correct?</p> <p>17 A. Yes, uh-huh.</p> <p>18 Q. Okay. And I asked you before and I'll ask</p> <p>19 you again, don't you think that that contradicts the</p> <p>20 whole concept of knock and announce?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. No.</p> <p>24 Q. And I know I -- I kind of asked you in a</p> <p>25 roundabout way earlier, and I'm going to -- but I'm</p>	<p style="text-align: right;">124</p> <p>1 the -- the timing, right, of the search warrant. So</p> <p>2 those type of factors, yeah.</p> <p>3 Q. Okay. And -- sorry. When you say timing</p> <p>4 of the search warrant, do you mean you would have</p> <p>5 served it at a different time or what do you mean --</p> <p>6 or how long -- what do you mean by timing? Sorry, I</p> <p>7 just want to make sure I understand what you mean.</p> <p>8 A. The whole -- when I say that, I'm talking</p> <p>9 about the debate of the no knock, the knock and</p> <p>10 announce, the reasonableness time, that. Because</p> <p>11 that is a common thing that typically -- that</p> <p>12 typically comes up, right? We talk about it all the</p> <p>13 time, we try to train for it and mitigate it, and,</p> <p>14 you know, determine, hey, what's in a -- what's a</p> <p>15 reasonable amount of time? How long do we think</p> <p>16 that it's going to take? And, like, in this</p> <p>17 instance, the suspect to arm themselves and to shoot</p> <p>18 at us. Or just to give up. Or move to another</p> <p>19 position or better position. All those different</p> <p>20 factors, looking at all those.</p> <p>21 Q. Okay. And so as we sit here today, then,</p> <p>22 are -- and I want to make sure that I understand</p> <p>23 your testimony correctly. As we're sitting here</p> <p>24 today and you've just gone over this, have you,</p> <p>25 then, gone back and forth about whether or not the</p>
<p style="text-align: right;">123</p> <p>1 going to ask you in a more straightforward way this</p> <p>2 time. Looking back on this incident, is there</p> <p>3 anything that you would have done differently?</p> <p>4 Looking at the whole team, is there anything that</p> <p>5 you would have said, hey, either I personally would</p> <p>6 have done differently or I think this should have</p> <p>7 been done differently on the team?</p> <p>8 MR. ANDERSON: Objection, form.</p> <p>9 THE WITNESS: Yeah, I mean, there's so</p> <p>10 many factors to look at. I mean, you're -- just the</p> <p>11 nature of our job is we're just critical of -- of</p> <p>12 everything. Critical of yourself, of your</p> <p>13 teammates, the planning process. I mean, that's how</p> <p>14 you learn and get better, is to take that critical</p> <p>15 look and analyzing everything. So, yeah, there</p> <p>16 would be -- definitely be things that --</p> <p>17 BY MS. MURPHY:</p> <p>18 Q. Can you walk -- can you walk me through</p> <p>19 what things you think could be improved or on what</p> <p>20 things you would have done differently?</p> <p>21 A. In this specific instance, I mean,</p> <p>22 obviously we brought -- we talked about it was the</p> <p>23 brass wrap, right? Whether tactical -- the tactical</p> <p>24 call, the deciding factors, that was a lot of stuff</p> <p>25 that was also talked about after. You know, there's</p>	<p style="text-align: right;">125</p> <p>1 announcement was an appropriate amount of time?</p> <p>2 A. I believe that it was appropriate, yes.</p> <p>3 Q. Okay. And -- but you said that there's</p> <p>4 been debate about it; is that accurate?</p> <p>5 A. Yes.</p> <p>6 Q. Between whom?</p> <p>7 A. I mean, it's -- you hear it on the news,</p> <p>8 you talk -- we talk about it amongst our team</p> <p>9 members. You know, within our own agency. When</p> <p>10 they talk about policy changes. I mean, we -- it's</p> <p>11 a fairly -- something that's brought up --</p> <p>12 Q. Okay.</p> <p>13 A. -- and talked about.</p> <p>14 Q. And my understanding -- we've talked about</p> <p>15 it a lot in this deposition, so thank you for</p> <p>16 bearing with me. But my understanding, you know,</p> <p>17 and we talked about it, like I said, quite a few</p> <p>18 times, is that on January 10, 2022, the position and</p> <p>19 how you guys operated, it was that, hey, it's not</p> <p>20 really in a reasonable amount of time you have to</p> <p>21 get off two -- it's not the time, the actual</p> <p>22 timeline, but kind of the standard operating</p> <p>23 procedure was, you need to get off a certain number</p> <p>24 of announcements, correct?</p> <p>25 A. So, the number of announcements were,</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">126</p> <p>1 enacting the another plans, so, yes, in a sense. 2 But if you're asking what, like, the total overall 3 announcements would be, it's more than two. Because 4 every word -- everybody's typically yelling police, 5 search warrant, when the first one starts. 6 Q. But here it wasn't more than two, correct? 7 A. More than two for? 8 Q. There was two announcements and then the 9 door was breached, correct? 10 A. Right. But also, during that time, police 11 are -- officers are still yelling, police, search 12 warrant. 13 Q. Do you think it's a reasonable expectation 14 that somebody who's inside a small unit full of 15 smoke and having nine bangers and a stun stick go 16 off would continue to be able to assess and 17 understand announcements that are being made? 18 MR. ANDERSON: Objection, form. 19 Go ahead. 20 THE WITNESS: Yes. 21 BY MS. MURPHY: 22 Q. Okay. So even though you testified 23 earlier than the intent is to distract somebody, to 24 surprise them, to overwhelm them, you think that 25 they would still have the mental capacity to be able</p>	<p style="text-align: right;">128</p> <p>1 BY MS. MURPHY: 2 Q. And if the -- just to let the record 3 reflect, we took a break and we watched what is your 4 body-worn camera footage. And the -- we watched the 5 entirety of the video, which is approximately -- 6 well, it's not approximately, it's 20 minutes and 51 7 seconds long. 8 A. Yes. 9 Q. And you confirm that this is your 10 body-worn camera footage, and this is what you 11 remember from the date of the incident, correct? 12 A. Correct. 13 Q. Okay. And so I wanted to ask you a couple 14 questions about some -- some of the dialogue and 15 some of the things that we saw on the body-worn -- 16 the BWC. 17 A. Yes. 18 Q. Okay. 19 THE VIDEOGRAPHER: I'm sorry, can you 20 slide your mike up just a little bit, just because 21 your arms are hitting it. Thank you. 22 THE WITNESS: Yeah. 23 THE VIDEOGRAPHER: Thanks. 24 BY MS. MURPHY: 25 Q. The majority of the BWC is really you and</p>
<p style="text-align: right;">127</p> <p>1 to understand announcements that are being made? 2 A. Off of my experience, yes. 3 Q. Okay. But you said that people would drop 4 to the ground. Why do you think they drop to the 5 ground? 6 A. I mean, when I say drop to the ground, I 7 mean, I guess I could be more specific in that case. 8 It's not like they're just falling to the ground and 9 laying out with their hands behind their back. I 10 mean, they're also ducking and diving, right? 11 Q. They're taking cover, correct? 12 A. Right. They're moving, you know. They're 13 maybe laying down on a couch or moving from a seated 14 position to a laying down position, right? They're 15 typically ducking. 16 Q. Yeah. They're taking cover, correct? 17 A. More or less. 18 Q. Okay. All right. Let's -- let's go off 19 the record for just a second. I'm going to set up 20 the video. 21 THE VIDEOGRAPHER: We are going off record 22 at 12:38 p.m. 23 (Off record.) 24 THE VIDEOGRAPHER: We are back on record 25 at 1:08 p.m.</p>	<p style="text-align: right;">129</p> <p>1 Bertuccini driving to the... 2 A. Incident. 3 Q. Yeah, the incident. And so there's a 4 little bit of dialogue between you and Bertuccini 5 that I wanted to ask you about. 6 A. Okay. 7 Q. Just give me one second and I'll pull it 8 up. 9 I'm going to start at about six minutes 10 and 20 -- and 15 seconds. Sorry. 11 A. Okay. 12 (Video played.) 13 BY MS. MURPHY: 14 Q. Yeah. And so I wanted to -- when you -- 15 when you're talking about Back, are you talking 16 about -- are you talking about Backman, Sergeant 17 Backman? 18 A. So we're talking about actually all the 19 sergeants. 20 Q. Okay. 21 A. Yeah. But I know in that case, Sergeant 22 Backman, he was newer to the unit, so he was trying 23 to gain experience. 24 Q. And if I heard correctly, I think it was 25 you that said, why are you running this? You were</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">130</p> <p>1 talking about Sergeant Backman, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And why were you questioning Sergeant</p> <p>4 Backman's ability to run this?</p> <p>5 A. I wasn't questioning his ability, I was</p> <p>6 just questioning why he was doing it. I knew he was</p> <p>7 in training. And I'm trying to remember if at the</p> <p>8 time -- because this was a blue -- well, silver team</p> <p>9 search warrant. At the time blue team, old blue</p> <p>10 team. I believe he was assigned to our team.</p> <p>11 So typically, the team who's running the</p> <p>12 search warrant, or the day that they're working,</p> <p>13 their sergeant will run the search warrant. But I</p> <p>14 believe, if I remember correctly in this case,</p> <p>15 Backman was on our team, but he was running the</p> <p>16 search warrant, which is not very common.</p> <p>17 So -- and the fact that there were three</p> <p>18 sergeants there as well, which typically there never</p> <p>19 is. There's usually only two. And when I said Back</p> <p>20 does that all the time, he'll get the notification</p> <p>21 because he's a sergeant, right, he's in the</p> <p>22 leadership texts that they have going, he'll get the</p> <p>23 notification and he'll just show up. Which he can,</p> <p>24 because he's a supervisor. But it's, like, you</p> <p>25 know, if one of the officers did that, they'd be,</p>	<p style="text-align: right;">132</p> <p>1 service like this?</p> <p>2 A. This one is a pretty standard one. I</p> <p>3 would say yes, up until we encountered the shooting.</p> <p>4 Q. Right. You had to go through a full SWAT</p> <p>5 school. You didn't get a condensed version, did</p> <p>6 you?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 MR. ANDERSON: That's a double negative.</p> <p>10 No, you didn't have to go through? Yes --</p> <p>11 BY MR. MURPHY:</p> <p>12 Q. Correct. Sorry, let me ask it in two</p> <p>13 ways.</p> <p>14 You went through full SWAT school,</p> <p>15 correct?</p> <p>16 A. I went through it a couple times,</p> <p>17 actually, yeah.</p> <p>18 Q. You didn't get a condensed version,</p> <p>19 correct?</p> <p>20 A. No, I did not.</p> <p>21 Q. All right. And then -- if a sergeant</p> <p>22 shows -- are the sergeants also paid kind of by</p> <p>23 hour, so if they show up for extra SWAT warrants, do</p> <p>24 they get paid more?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">131</p> <p>1 like, what are you doing here, you know? So that's</p> <p>2 why we were talking about it in that instance.</p> <p>3 Q. And did it -- and I took away from that,</p> <p>4 too, and you just mentioned it earlier, that he also</p> <p>5 was in training, right? So why is he running this</p> <p>6 operation? You were aware that he hadn't finished</p> <p>7 SWAT school, right, or that he was still in</p> <p>8 training?</p> <p>9 A. Yeah. So I knew they hadn't run him</p> <p>10 through a -- because -- yeah. Because the time he</p> <p>11 came up, he didn't go through an official SWAT</p> <p>12 school. They were doing more of a -- like a</p> <p>13 condensed training type thing. I can't remember how</p> <p>14 long he had been in SWAT prior to that. If he was</p> <p>15 still in training.</p> <p>16 So, I mean, a lot of it's on-the-job</p> <p>17 training. But I just -- I questioned that, like,</p> <p>18 okay -- or I was questioning why they were there.</p> <p>19 And then I was, like, oh, it's because Backman's in</p> <p>20 training, like, that's why -- that's why he's doing</p> <p>21 it, you know.</p> <p>22 Q. Okay, all right.</p> <p>23 A. Getting the experience.</p> <p>24 Q. Do you think it's appropriate for somebody</p> <p>25 who's in training to run a SWAT search warrant</p>	<p style="text-align: right;">133</p> <p>1 Q. Okay.</p> <p>2 A. The standard call-out pay, four-hour</p> <p>3 minimum.</p> <p>4 Q. Okay. And then I'm going to go right</p> <p>5 before the incident. Hold on. I'm just going to --</p> <p>6 (Video played.)</p> <p>7 BY MS. MURPHY:</p> <p>8 Q. I didn't go back quite far enough, sorry.</p> <p>9 (Video played.)</p> <p>10 BY MS. MURPHY:</p> <p>11 Q. That's okay. I have to make sure I'm</p> <p>12 preserving the record.</p> <p>13 And so as those announcements were played</p> <p>14 from your vantage point, could you hear both the</p> <p>15 announcements clearly or were they muffled?</p> <p>16 A. I could hear them clearly.</p> <p>17 Q. You could hear both announcements clearly.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Let's play that again.</p> <p>20 (Video played.)</p> <p>21 BY MS. MURPHY:</p> <p>22 Q. Could you hear -- is it your testimony</p> <p>23 that we've just reviewed this, and you could</p> <p>24 distinctly hear the words clearly in both</p> <p>25 announcements, or could you hear basically the first</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">134</p> <p>1 announcement clearly and the second announcement</p> <p>2 you -- it was muffled?</p> <p>3 A. I could hear the first one saying, police,</p> <p>4 search warrant, and I could hear the second one. I</p> <p>5 could hear the, police, search warrant. Which would</p> <p>6 be the cue to insert the stun stick and start the</p> <p>7 plan.</p> <p>8 Q. Okay. So the -- and I want to make -- so</p> <p>9 that was standard operating procedure, that went the</p> <p>10 way it was supposed to?</p> <p>11 A. Yes.</p> <p>12 Q. You were the first -- sorry.</p> <p>13 A. Yes.</p> <p>14 Q. Yes. So it was, police officer, search</p> <p>15 warrant, and then when you heard the second police</p> <p>16 officer, which you're saying you heard clearly, that</p> <p>17 was time to go, for lack of a better term, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And then if you want to hit --</p> <p>20 sorry. If you can hit play, we'll just go a few</p> <p>21 seconds up from that.</p> <p>22 A. Okay.</p> <p>23 (Video played.)</p> <p>24 BY MS. MURPHY:</p> <p>25 Q. Okay. As we sit here today and you're</p>	<p style="text-align: right;">136</p> <p>1 had already been started for the distract. It was</p> <p>2 just waiting for it to go. Because I said pull,</p> <p>3 pull, pull. By the time I said that it was going</p> <p>4 off. So I was maybe jumping the gun a little bit on</p> <p>5 that, too.</p> <p>6 Q. Okay.</p> <p>7 A. That's --</p> <p>8 Q. That's actually the only stuff I wanted --</p> <p>9 and then -- I don't think we -- you remember as we</p> <p>10 watched this, you -- well, you already testified</p> <p>11 about it, that as the video goes on, you talk about</p> <p>12 the confusion -- you even experienced confusion</p> <p>13 between the nine banger and the shots, correct?</p> <p>14 A. Right. So initially, the other guys kind</p> <p>15 of behind us, further -- a little bit further down</p> <p>16 by the patio, where they had tossed it. So they</p> <p>17 tossed it pretty -- kind of close to us, which is</p> <p>18 okay. But it kind of caught me off guard. Because</p> <p>19 we wear the electronic ear -- ear protection. So it</p> <p>20 just -- it's designed to muffle those loud crack</p> <p>21 noises, like gunshots. So even the distracts. So</p> <p>22 when you hear that, it's really hard -- if I heard</p> <p>23 it with just my regular -- you know, without any --</p> <p>24 without that on I could tell.</p> <p>25 But with those on, it's hard to kind of</p>
<p style="text-align: right;">135</p> <p>1 listening to this, are -- is it your position that</p> <p>2 the noise between the nine banger and the gunfire</p> <p>3 are easily distinguishable, or do they sound</p> <p>4 similar?</p> <p>5 A. So, at the time -- I mean, listening to</p> <p>6 it, it's -- it's more clear. But at the time it was</p> <p>7 hard -- it's a little bit harder to tell, actually.</p> <p>8 Q. And just to understand -- and it's a</p> <p>9 little difficult to see -- I don't think you were</p> <p>10 trying to modify the record in any way, but it is a</p> <p>11 little bit difficult to tell exactly what your</p> <p>12 vantage point is. Because what we see is right --</p> <p>13 the top of the shield kind of cuts off half of that.</p> <p>14 A. Right.</p> <p>15 Q. But is it -- you tell me if I'm right or</p> <p>16 wrong. My understanding is that he had broken the</p> <p>17 window, and then you were yelling pull, pull, pull,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So from Mr. Williams' vantage point</p> <p>21 inside, a window is broken, and then he hears pull,</p> <p>22 pull, pull, and then it starts -- the distraction</p> <p>23 devices start, correct?</p> <p>24 A. Correct. Or the -- probably in this case,</p> <p>25 listening to it or watching it, is the -- the train</p>	<p style="text-align: right;">137</p> <p>1 tell at first what -- where it's coming from.</p> <p>2 Especially when they -- I'm outside and they</p> <p>3 deployed it outside with me right there. So had I</p> <p>4 been inside when they deployed it, I -- would have</p> <p>5 been a lot easier to tell.</p> <p>6 Q. But that's also from your vantage point of</p> <p>7 being an officer for 13 years and having been at gun</p> <p>8 ranges for 13-plus years as well, correct? You're</p> <p>9 not a civilian.</p> <p>10 A. Correct, yeah.</p> <p>11 Q. And I want to -- I want to -- we're done</p> <p>12 with the video. Sorry, I'm not -- yeah, you can</p> <p>13 close it. Thank you, yeah.</p> <p>14 I want to read you one of the standard --</p> <p>15 thank you, thank you, very much, James. I want to</p> <p>16 read you one of the standards for knock and</p> <p>17 announce. And this comes from a United States</p> <p>18 Supreme Court case. If, after notice of his</p> <p>19 authority and purpose, an officer is refused</p> <p>20 admittance, then the Supreme Court goes on to say</p> <p>21 it's okay to breach the door.</p> <p>22 Having watched this video, can you tell me</p> <p>23 at any point in time where Mr. Williams refused you</p> <p>24 or anyone on that team admittance into the</p> <p>25 apartment? Before the breach.</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">138</p> <p>1 A. What was the --</p> <p>2 Q. No problem.</p> <p>3 A. -- the court case again? What did the</p> <p>4 Supreme Court say?</p> <p>5 Q. That if, after notice of his authority and</p> <p>6 purpose, an officer is refused admittance.</p> <p>7 A. Okay.</p> <p>8 Q. What did Mr. Williams do to refuse you or</p> <p>9 anyone on your team admittance prior to the breach?</p> <p>10 A. Having the door closed and locked? Is</p> <p>11 that what we're talking about? Or giving him the</p> <p>12 time to answer the door?</p> <p>13 Q. Well, the Supreme Court says that he gets</p> <p>14 time to answer the door, or time to indicate that</p> <p>15 he's going to refuse you admittance. So was there</p> <p>16 any indication that Mr. Williams was going to --</p> <p>17 before entry through the door, was there any</p> <p>18 indication that Mr. Williams would have refused you</p> <p>19 admittance?</p> <p>20 A. Not up until that point, no.</p> <p>21 Q. Okay. And there's also a Supreme Court</p> <p>22 case that says that the Supreme Court has held that</p> <p>23 a 15- to 20-second wait after police officers</p> <p>24 announce their presence was reasonable under the</p> <p>25 Fourth Amendment and Section 3109.</p>	<p style="text-align: right;">140</p> <p>1 conclusions that was made, and I want to ask your</p> <p>2 opinion on it.</p> <p>3 A. Uh-huh.</p> <p>4 Q. By conducting a CET to surprise and</p> <p>5 overwhelm the occupants of the structure, it</p> <p>6 inherently contradicts the knock and announce rule</p> <p>7 which require officers to wait a reasonable amount</p> <p>8 of time set forth by United States Supreme Court</p> <p>9 case law and the Nevada Revised Statutes. Do you</p> <p>10 agree or disagree with that conclusion?</p> <p>11 A. The reasonable -- what is the reasonable</p> <p>12 amount of time?</p> <p>13 Q. No, sorry. Let me read it one more time.</p> <p>14 A. Yeah, sorry. I missed the first part.</p> <p>15 Q. No, no, no. By conducting a CET --</p> <p>16 A. Okay.</p> <p>17 Q. -- to surprise and overwhelm the occupants</p> <p>18 of the structure, it inherently contradicts the</p> <p>19 knock and announce rule, which requires officers to</p> <p>20 wait a reasonable amount of time set forth by the</p> <p>21 United States Supreme Court case law and the Nevada</p> <p>22 Revised Statutes. Is it -- do you agree or disagree</p> <p>23 that by conducting a CET to surprise and overwhelm,</p> <p>24 that contradicts the knock and announce rule?</p> <p>25 A. Yeah, I would say I don't agree with that.</p>
<p style="text-align: right;">139</p> <p>1 As we sit here today, what we've discussed</p> <p>2 before was that your understanding of knock and</p> <p>3 announce was that it had to be -- or it should have</p> <p>4 been two or three announcements before the breach</p> <p>5 was made, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And that is irrespective of the</p> <p>8 amount of time -- the amount of seconds that passes,</p> <p>9 correct?</p> <p>10 A. I would say it's about that time, but,</p> <p>11 yes.</p> <p>12 Q. Well, in this case, there was one and a</p> <p>13 half or two announcements, and six seconds went by.</p> <p>14 A. Okay, yeah.</p> <p>15 Q. So that's clearly not 15 to 20 seconds,</p> <p>16 correct?</p> <p>17 A. Well, I would say that's from when the</p> <p>18 window was breached. But that wasn't our entry</p> <p>19 point; the front door was.</p> <p>20 Q. I will -- I will represent to you that</p> <p>21 even the -- own internal investigation found there</p> <p>22 was six seconds between the beginning of the</p> <p>23 announcement and the breach of the door.</p> <p>24 A. Okay. All right.</p> <p>25 Q. Okay? I want to read you one of the</p>	<p style="text-align: right;">141</p> <p>1 Because it's a knock and announce. You're just</p> <p>2 announcing your presence, more or less. Whether</p> <p>3 it's six seconds or 20 seconds. The main question</p> <p>4 is, what's reasonable to get to the door and open</p> <p>5 the door, and how fast can you do that?</p> <p>6 Q. Okay. And so is the purpose, then, of</p> <p>7 giving the announcements to just rattle them off and</p> <p>8 get through the door as quickly as possible?</p> <p>9 A. I wouldn't say rattle them off. I mean,</p> <p>10 you know, the goal is, the point is, to make them</p> <p>11 loud and clear that it's the police and we're there</p> <p>12 to serve a search warrant.</p> <p>13 Q. Okay.</p> <p>14 A. Yeah.</p> <p>15 Q. Do you think somebody that's sleeping</p> <p>16 inside an apartment that they don't normally live at</p> <p>17 can automatically assess within seconds what kind of</p> <p>18 announcement is being made?</p> <p>19 A. Off of my previous experience, yes.</p> <p>20 Q. Okay. And that's part of your experience</p> <p>21 of serving these and your understanding of what the</p> <p>22 policies and procedures for LVMPD are?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And that you under- -- do you</p> <p>25 understand that both the Nevada Supreme Court, the</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">142</p> <p>1 Nevada Revised Statute, and the United States 2 Supreme Court disagrees that six seconds is a 3 sufficient amount of time? 4 A. Yes, okay. 5 Q. Okay. You'll take my word for it, is 6 that -- 7 A. Yeah. 8 Q. Okay, all right. I think -- oh, yeah, I 9 just wanted to ask you some follow-up questions 10 about your interrogatories. 11 I just wanted to confirm, one of the 12 interrogatory questions asked you to describe any 13 retraining, discipline, demotions, or other adverse 14 employment action taken against you as a result of 15 this incident. And your response was none. Is that 16 correct. 17 A. Correct. 18 Q. So that includes not just discipline, but 19 there was no retraining, either; is that accurate? 20 A. As in? 21 Q. Was there any -- 22 A. Because of the incident? 23 Q. Correct, yes. 24 A. Retraining? Personally for me? No. But, 25 I mean, we learned from the incident.</p>	<p style="text-align: right;">144</p> <p>1 deployment of distracts. You know, and then several 2 changes from the actual department, right, of 3 policy -- department policy. 4 Q. And so -- thank you for that very detailed 5 answer. And I wanted to be a little bit more 6 specific, and so let me ask it a little bit better. 7 In terms of you and how you function, have 8 you changed any ways that you function, based on 9 this incident? And I -- and I don't doubt that 10 you've been very critical of yourself. I'm not 11 trying to imply that you weren't. But I'm asking 12 for your opinion, have you personally done -- like, 13 have you modified your practice or anything that 14 you've done as a result of this incident? 15 A. As of now, no. I'm no longer on the SWAT 16 team. 17 Q. Sorry, so let me clean that question up 18 even more. 19 When you were still on the SWAT team, as a 20 result of this incident, was there anything that you 21 changed how you did? 22 A. Yeah, yeah, I did, yeah. 23 Q. What did you change? 24 A. So, this was a good -- good case or, you 25 know, good incident for me. I've been involved</p>
<p style="text-align: right;">143</p> <p>1 Q. Okay. What did you guys -- sorry. What 2 did you learn from the incident? 3 A. I mean, again, like I explained earlier, 4 everybody's critiquing themselves, they're 5 critiquing the incident, what could have been done 6 better, you know, was there -- you know, did we 7 recognize points of failure? 8 Which, I mean, obviously we don't need the 9 CIRT team to point that out, we can look at our own 10 internal mechanisms and figure it out and look at 11 ourselves and figure it out. And that's as simple 12 as, did I go left when I should have went right, you 13 know? 14 So, individually, I know a lot of guys 15 will look at that as a tool. So when you say 16 retrain, in the -- as a form of, this was messed up, 17 or a disciplinary thing or anything like that, no. 18 But we did train in the sense to get better, right? 19 Q. And so how have you gotten better since 20 this incident? 21 A. Well, I know they made some policy 22 revisions, right, as a whole. I know that certain 23 calls were -- well, not calls, but certain tactics 24 were cleaned up, right, as far as breaching of the 25 door goes. The use of the tactical call. You know,</p>	<p style="text-align: right;">145</p> <p>1 in -- I -- probably well over 1,000 search warrants 2 at that point. Callouts, shootings, just about 3 everything. 4 And I realized something as -- you know, 5 this seemed just like a normal, run of the mill 6 search warrant. We've done this hundreds of times 7 at this hour, these locations, similar locations. 8 But this one was different because we 9 ended up taking gunfire and had officers shot. And 10 in turn, had to shoot. And it was the first time 11 I've had to, you know, discharge my firearm in the 12 course of, you know, the line of duty, more or less. 13 So, there's quite a few things to take away from it, 14 yeah. 15 Q. And so I'm asking you, what did you take 16 away from it? What did you change while you were 17 still on SWAT? 18 A. Just -- I mean, I think that's a pretty 19 broad question. I mean, it's a lot, you know. 20 Like, took kind of -- boils down to even my 21 mentality going in there. Like, hey, let's -- you 22 know, the heightened state, right? Like, okay, we 23 need to treat this as a high level -- we may be 24 involved in a shooting, people may get shot. So, 25 you know, that's probably one of the highest things,</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">146</p> <p>1 right?</p> <p>2 Not saying that this incident was, you</p> <p>3 know -- it was a nothing until something actually</p> <p>4 happened, right? I mean, it was -- we still treated</p> <p>5 it how we would -- how we would normally. But it</p> <p>6 makes you realize, this was a significant incident</p> <p>7 with significant injuries to people.</p> <p>8 So, moving forward, you just realize,</p> <p>9 like, okay, I'd better take things very serious,</p> <p>10 right? So -- and that boils down to a laundry list</p> <p>11 of stuff. Your weapons, your firearms, how you</p> <p>12 carry things, right? Preplanning in your head what</p> <p>13 you're going to do the next incident this happens.</p> <p>14 I mean, there's -- you could make a list of them.</p> <p>15 Q. And so let me kind of cut to the chase,</p> <p>16 and you tell me if I'm right or wrong in my</p> <p>17 understanding.</p> <p>18 When you talk about that you have changed</p> <p>19 as a result of this incident, you're talking about</p> <p>20 your frame of mind, how you're approaching them, are</p> <p>21 you taking it seriously -- and I know what you're</p> <p>22 trying to say, and I'm not trying to put you in a</p> <p>23 place. But you're saying --</p> <p>24 A. Okay.</p> <p>25 Q. -- that probably every one, you're</p>	<p style="text-align: right;">148</p> <p>1 you're, like, oh, I'll never go to court and argue</p> <p>2 about what was said on a phone call again. I'll</p> <p>3 always send some kind of confirming e-mail.</p> <p>4 So that's something in kind of our</p> <p>5 day-to-day practice that we learn as we get, you</p> <p>6 know, through incidents and we become more seasoned.</p> <p>7 So that's an example I could give you. Do</p> <p>8 you have anything like, in kind of your day-to-day</p> <p>9 functioning that you modified or changed as a result</p> <p>10 of this incident?</p> <p>11 A. I wouldn't say my day-to-day functioning,</p> <p>12 but --</p> <p>13 Q. Okay.</p> <p>14 A. -- I would say how -- you know, how things</p> <p>15 were done, you know, in that situation. Like, being</p> <p>16 a recon officer, right? Things to look for, stuff</p> <p>17 like that.</p> <p>18 But, a lot of the things that happened in</p> <p>19 this specific incidence have happened before. So,</p> <p>20 you know, brass wraps have been missed, right?</p> <p>21 Announcements have been shorter. Some have been</p> <p>22 longer. So, I would say based off the situation.</p> <p>23 But for me personally, did I change anything</p> <p>24 different? I don't -- I don't think so.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">147</p> <p>1 taking -- not, like, oh, it's -- you're not</p> <p>2 approaching every one, like, oh, this is the</p> <p>3 standard warrant any more. Is that fair -- is</p> <p>4 that -- when you were on SWAT.</p> <p>5 A. Right.</p> <p>6 Q. Okay. So -- and I appreciate your</p> <p>7 detailed explanation of that.</p> <p>8 Setting that issue aside, is there</p> <p>9 anything in your day-to-day functioning, aside from</p> <p>10 you have a different mentality about this, is there</p> <p>11 anything in your day-to-day functioning as when you</p> <p>12 were still a SWAT officer that you changed as a</p> <p>13 result of this incident? Do you understand the</p> <p>14 distinction I'm getting at?</p> <p>15 A. Yeah, I mean, you're -- I mean, day-to-day</p> <p>16 function as in --</p> <p>17 Q. So I'll --</p> <p>18 A. -- give me an example?</p> <p>19 Q. I will give you an example of what I --</p> <p>20 from something that happened as a lawyer, right?</p> <p>21 And Craig will probably back me up on this.</p> <p>22 That we always send confirming letters and</p> <p>23 e-mails after a phone call with either a client or</p> <p>24 opposing counsel. You only have that, for lack of a</p> <p>25 better -- blow up in your face one time before</p>	<p style="text-align: right;">149</p> <p>1 A. Yeah.</p> <p>2 Q. All right. And just to confirm, we've</p> <p>3 gone through all -- thank you for sitting through</p> <p>4 and going through all this. We've gone through it</p> <p>5 in so much detail.</p> <p>6 Just to confirm, although you have come</p> <p>7 through it with a different state of mind, as we sit</p> <p>8 here today, there's not anything that you would do</p> <p>9 differently, correct?</p> <p>10 A. No.</p> <p>11 Q. Okay. I think that's it.</p> <p>12 MR. ANDERSON: I have no questions.</p> <p>13 THE VIDEOGRAPHER: One moment.</p> <p>14 MS. MURPHY: Do we want to do sign and</p> <p>15 review -- or read and review? Sorry.</p> <p>16 MR. ANDERSON: You have the opportunity to</p> <p>17 read this, make sure everything is accurate, make</p> <p>18 sure she doesn't make any mistakes, which she will</p> <p>19 not. Because it's on video, I don't think you need</p> <p>20 to. But if you want the opportunity to read it and</p> <p>21 make sure everything is okay before it's finalized,</p> <p>22 you can do that. Do you have a preference?</p> <p>23 We'll waive.</p> <p>24 MS. MURPHY: Off the record.</p> <p>25 THE VIDEOGRAPHER: This concludes the</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p style="text-align: right;">150</p> <p>1 video-recorded deposition of James Rothenburg taken 2 on July 17th, 2024. We're going off the video 3 record, and the time is 1:35 p.m. 4 MR. ANDERSON: I will order a copy. 5 (Proceedings concluded at 1:35 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">152</p> <p>1 REPORTER'S CERTIFICATE 2 STATE OF NEVADA) 3) ss 4 COUNTY OF CLARK) 5 6 I, Tracy A. Manning, a duly certified court 7 reporter licensed in and for the State of Nevada, do 8 hereby certify: 9 That I reported the taking of the deposition of 10 the witness, James Rothenburg, at the time and place 11 aforesaid; 12 That prior to being examined, the witness was 13 by me duly sworn to testify to the truth, the whole 14 truth, and nothing but the truth; 15 That I thereafter transcribed my shorthand 16 notes into typewriting and that the typewritten 17 transcript of said deposition is a complete, true 18 and accurate record of testimony provided by the 19 witness at said time to the best of my ability. 20 I further certify (1) that I am not a relative, 21 employee or independent contractor of counsel of any 22 of the parties; nor a relative, employee or 23 independent contractor of the parties involved in 24 said action; nor a person financially interested in 25 the action; nor do I have any other relationship with any of the parties or with counsel of any of the parties involved in the action that may reasonably cause my impartiality to be questioned; and (2) that transcript review pursuant to FRCP 30(e) was waived. IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 28th day of July 2024. Tracy A. Manning Tracy A. Manning, CCR #85</p>
<p style="text-align: right;">151</p> <p>1 CERTIFICATE OF DEPONENT 2 PAGE LINE CHANGE 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 * * * * * 20 I, James Rothenburg, deponent herein, do hereby 21 certify and declare under penalty of perjury the 22 within and foregoing transcription to be my 23 deposition in said action; that I have read, 24 corrected and do hereby affix my signature to said 25 deposition. James Rothenburg Witness</p>	

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<hr/> <p style="text-align: center;">0</p> <hr/> <p>001490 33:13</p> <p>004271 93:5</p> <p>004405 96:7</p> <p>0500 41:1</p>	<p>16 14:2,8 20:23,24</p> <p>17 93:24</p> <p>17th 150:2</p> <p>1:08 127:25</p> <p>1:35 150:3,5</p>	<hr/> <p style="text-align: center;">3</p> <hr/> <p>3 92:6,7,8</p> <p>3050 55:25</p> <p>3109 138:25</p> <p>36 85:11</p>	<p>accident 76:14</p> <p>accounted 98:13</p> <p>accurate 95:13 115:3 125:4 142:19 149:17</p> <p>accurately 48:22</p> <p>acronym 9:1 29:15</p>
<hr/> <p style="text-align: center;">1</p> <hr/> <p>1 6:5,9</p> <p>1,000 50:22 53:19 145:1</p> <p>10 6:14 19:14 45:23 111:21 125:18</p> <p>100 56:21 59:5,7 122:7</p> <p>10th 38:2 57:3</p> <p>11:28 73:21</p> <p>11:39 73:24</p> <p>12 39:23</p> <p>12:38 127:22</p> <p>13 137:7</p> <p>13-plus 137:8</p> <p>15 54:20 55:17 73:4 129:10 139:15</p> <p>15- 138:23</p>	<hr/> <p style="text-align: center;">2</p> <hr/> <p>2 32:19 33:1</p> <p>20 128:6 129:10 139:15 141:3</p> <p>20-second 138:23</p> <p>2015 7:1 17:24</p> <p>2017 15:9</p> <p>2019 10:9</p> <p>2022 6:14 10:20 18:7 19:14 22:20,21 23:18 38:2 45:23 57:3 110:7 111:21 125:18</p> <p>2024 150:2</p> <p>22 59:1</p> <p>23 17:11,25</p> <p>24 85:11</p>	<hr/> <p style="text-align: center;">4</p> <hr/> <p>4 93:5,6</p> <p>4:00 41:22 42:7</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 96:5,8</p> <p>51 128:6</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60 53:23</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 41:22 42:7 73:24</p> <p>A1 92:18</p> <p>ability 8:5 22:13 130:4,5</p> <p>accepted 24:3,4</p> <p>access 78:19</p>	<p>act 22:14 24:4</p> <p>action 83:13 142:14</p> <p>actions 52:9</p> <p>actual 38:15 39:12 48:23 50:25 52:9 54:10,11 56:10 61:16 80:3 96:6 97:23 99:11 100:18 104:9 105:12 106:11 119:8 125:21 144:2</p> <p>add 52:14,15</p> <p>additional 40:10</p> <p>address 35:20 55:2 82:14</p> <p>administrative 14:21,22,24</p> <p>admittance 137:20,24 138:6,9,15, 19</p> <p>adopted 38:10</p> <p>advanced 14:12</p> <p>advantage 115:12,22</p>

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

adverse 142:13	23:23 24:13,14 25:13, 16,23 101:10 107:22 124:15 125:1,20 139:8 140:7,12,20 142:3	96:7 98:10 137:25 141:16	arrive 99:25
Affairs 17:16,18 64:18		apartments 69:18	arrived 77:14 100:1
affect 112:25	AMR 77:6	apologize 106:9	asleep 98:21
agency 125:9	analyzing 123:15	apprehend 62:7 65:12 66:3 67:2	assess 47:25 115:10 126:16 141:17
agree 28:2,7 95:5 96:12 140:10,22,25	Anderson 8:16 11:4,9,19 26:5,9, 18 36:20 37:2 49:10 51:14 73:19 112:13 123:8 126:18 132:9 149:12,16 150:4	approach 78:7 79:21 106:24	assessed 52:8 90:24
agreed 83:12		approaching 146:20 147:2	assessment 22:3 101:25 119:23
ahead 26:6,25 36:21 51:15 60:22 66:10 68:9 81:21 89:12 112:14 126:19	announce 10:2 22:24,25 23:11 26:2,4 27:5,9 28:17 30:24 31:2,3 34:11,23 82:21 122:20 124:10 137:17 138:24 139:3 140:6,19,24 141:1	approval 111:25 112:1	assigned 56:4 111:5 117:14,18 130:10
aid 15:18		approving 118:2	Assistance 100:16
air 89:19	announcement 84:13 125:1 134:1 139:23 141:18	approximately 21:1 99:11 101:14 128:5,6	assistant 44:20 117:25 118:4,7, 9
alcohol 100:13	announcements 36:4,6 82:13 83:14,19, 22 84:4 88:20 125:24, 25 126:3,8,17 127:1 133:13,15,17,25 139:4,13 141:7 148:21	arcing 87:1	Association 17:4
alert 35:3 117:7		area 35:12 43:18 44:8 55:5 56:2,14 79:4 96:23 98:14,15 115:22	assume 9:14 19:9 21:8 24:18 26:24 36:3 64:24 65:5 98:21 99:15 121:1
alerting 23:3		areas 64:7 117:1	assuming 92:19
Alex 12:8	announcing 23:4,5 141:2	argue 148:1	assumption 21:8 108:8
Alexander 5:9,13	answering 12:21	argued 10:16	ATL 118:8
alpha 33:15	answers 13:9,10,11,14 20:18 59:13	arm 35:10 124:17	atmosphere 106:1
ambulance 77:7	apartment 30:9 32:8 35:20,22,23 36:7 44:19 46:2 48:13 49:15 56:2,17,18,19 63:5 67:9,15 69:5,10, 14,15 70:8,9,10,12,16, 18,19 71:5,6,12 72:17 75:9 81:9,13 90:15	armored 76:3,8,18,24 77:1	attach 6:4,5
Amendment 138:25		arms 128:21	attend 15:4
ammunition 100:23		arrest 29:4 65:18 66:13,14	attention 87:10,18 88:2 106:6
amount		arresting 7:4,7,8	

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

attorney 5:12 26:15 33:18 99:25 100:2,5 attorney-client 8:17 August 15:9 authority 137:19 138:5 authorization 66:16 automatically 141:17 avenues 44:11 average 45:1,3,8,15 aware 10:14 37:12,25 38:3 39:21,24 51:9 108:20, 21 109:3 119:12 131:6 awareness 38:9 awkwardly 46:3 <hr/> B <hr/> Bachelor's 14:19 back 18:16 44:15 47:22 48:8 52:25 58:22 61:13 64:19,20 66:24 73:23 77:6,16,25 78:25 84:23 86:12 89:2,8 90:18,21 91:9, 25 97:25 101:6,9 102:1 105:17 115:1,9, 21 123:2 124:25 127:9,24 129:15 130:19 133:8 147:21 background 13:17 14:18	Backman 129:16,17,22 130:1,15 Backman's 130:4 131:19 bad 29:23 balance 22:1 banger 36:14 135:2 136:13 bangers 126:15 barr- 62:1 barricade 110:21 barricaded 61:11,14,25 62:3,8 bars 116:25 base 50:16 based 22:4,11 25:1,5 36:3 37:9 38:22 41:11 45:9, 25 48:15 49:12 52:1 72:3 110:1 117:23 119:12,16 120:12 144:8 148:22 basic 54:9 basically 19:24 30:5 42:23 75:19,23 101:5 103:23 105:19 133:25 Bates 33:12 93:4 96:7 Battery 95:2 bearing 87:24 88:14 125:16	bedroom 114:16 beginning 139:22 Bertuccini 12:9 56:9 70:3 74:24 79:10 81:6 82:22 84:11 89:1 91:12 96:17 103:13 104:15 129:1,4 biased 51:13 big 77:17 85:10 bit 24:10 29:1 31:23 41:7, 21 52:25 68:10 80:2 83:7 87:7,15 89:17 102:4 104:16 105:5, 16,23 119:8 128:20 129:4 135:7,11 136:4, 15 144:5,6 blending 59:3 blinded 90:4 105:19 blinds 84:20 block 54:25 blow 105:8 147:25 blown 121:13 blue 18:9,13 40:25 116:24 130:8,9 board 22:5 bodies 41:1 body 86:14 99:4	body-worn 8:12 9:18 74:12 103:11 128:4,10,15 boils 145:20 146:10 boxing 59:21 brand 94:23 brass 108:22 112:7,21 123:23 148:20 breach 16:2,14 77:23 78:12, 13,18 79:10 82:8,9 83:15,22 98:5 109:7, 14 110:2,11 111:9,10, 22 112:4 113:15 115:5,19 137:21,25 138:9 139:4,23 breached 25:14 114:15 115:21 126:9 139:18 breacher 19:2 breachers 19:1 111:4,5 breaches 16:18 breaching 81:9 108:25 143:24 break 39:4,7,11,14,15 73:16 74:5 78:14 79:21 84:14 128:3 breaking 81:11 82:23 breaks 74:2 78:5 Breathalyzer 100:12 briefed 46:23 75:3
---	---	---	--

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

briefing 41:1 46:8,17 47:4,5 54:21 55:15,20 63:12, 16 66:1 69:4 70:7,15, 23 71:6 72:4 73:11,14 74:3,9,18 briefing's 74:7 briefings 63:21 Briefly 8:13 brighter 94:19 bring 10:22 12:13 20:5 68:23 74:20 77:1 109:18 broad 28:25 63:22,24 145:19 broken 31:8 89:21 135:16,21 brought 40:14 52:6 53:11 77:1 123:22 125:11 building 35:23 56:18,19 96:7 bullet 87:5 92:18 bullets 100:24 bullhorn 82:13 Bureau 17:16 business 14:19 30:8 117:10 butcher 54:25 BWC 74:16 97:24 128:16,25	<hr/> C <hr/> C-E-T 29:15 C-I-R-T 9:1 call 13:25 34:4 36:13 39:5 61:15 92:22 93:14 98:10 112:22 113:5,25 114:12,21 115:8,14 123:24 143:25 147:23 148:2 call-out 133:2 called 7:18 29:20 31:10 62:5, 9 92:25 94:12 95:4 112:12 113:13 114:25 115:4 118:9 calling 32:5 45:12 112:6 114:22 115:17 Callout 31:25 32:4 38:20,24 60:24 61:6 115:2 Callouts 145:2 calls 143:23 camera 8:12 9:18 74:12 99:4 103:11 128:4,10 cameras 44:3 47:19,20 can- 86:14 canted 86:15 capacity 126:25 car	75:24 116:22 117:6 career 6:20 53:17 carry 146:12 carrying 56:8 100:23 case 5:13 7:3,6,9,13,16 10:12 12:18 25:14 31:8 32:7 35:13,20 39:21 42:25 47:15,22 65:3 76:14 77:2 78:20 81:24 84:7 85:6 86:9 100:21 107:6,8 115:4 116:17 117:3 118:22 127:7 129:21 130:14 135:24 137:18 138:3, 22 139:12 140:9,21 144:24 cases 6:20 7:18 34:1 catch 53:1 caught 47:13 136:18 center 22:3 certainty 59:5,7 certifications 15:13,19 16:3,8,12 certified 15:18 CET 10:1 29:14,15,16,21, 22,24 30:23 31:2,4,7, 14 32:9 34:1,3 37:6,14 38:4,20 53:22,24 60:23,25 61:4 140:4, 15,23 chain 103:25	chance 94:11 change 13:13 38:4 52:21 53:2, 3 111:16,19 117:23 144:23 145:16 148:23 changed 18:9 37:14 144:8,21 146:18 147:12 148:9 chase 146:15 check 91:13,14 children 44:4 47:17 48:4,7,11 circumstance 23:14 25:5 circumstances 109:23 circumstantial 37:8 CIRT 8:23 9:10,19 29:14 50:3,15 51:10 85:19 91:17 101:3 102:3,6, 19 105:17 108:19 115:25 118:18 120:5 121:9 143:9 citizen 27:7,10,16 34:2,24 35:8 city 45:13 117:1 civil 27:22 28:4,8 civilian 137:9 clarification 86:22 clarify 15:14 57:12 60:21 classifications
---	---	--	--

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

18:17	color 18:17	concluded 37:13 38:7 74:7 150:5	containment 44:10 77:25 79:2,3,6, 11,14 81:7
clean 78:10 144:17	colors 18:2,9	concludes 149:25	continue 126:16
cleaned 143:24	comfort- 53:25	conclusion 50:15,16,23,25 53:5 140:10	continuing 16:10
clear 27:23 49:1 68:3 86:24 135:6 141:11	comfortable 16:18 45:8 54:2,5 64:18,20	conclusions 51:10 140:1	contradicts 122:19 140:6,18,24
cleared 90:19 114:19	comment 26:16	condensed 131:13 132:5,18	contrast 28:13
clicked 90:2,3,17,19	commenting 64:21	conduct 28:3 45:21 55:15	Control 31:24
clicking 90:8,9	common 56:2 124:11 130:16	conducted 46:25 100:9,14 117:24	controlled 29:18 30:2,4,6,11,20 32:1 33:9,23 55:25
client 147:23	commonly 24:2,3 95:11	conducting 140:4,15,23	conversation 113:14
close 101:16 136:17 137:13	communicate 40:4	confined 21:15 22:1	converted 115:1
closed 138:10	community 77:7	confirm 25:20 32:7 43:20 56:11,13 64:16 65:10 71:8,14 98:5 105:24 108:20 119:22 128:9 142:11 149:2,6	cool 91:14
closer 58:6	competitive 22:16	confirming 147:22 148:3	coordinate 116:12
closest 58:25 59:1,11	compiled 42:25	conflict 31:1,3 34:10	copy 10:7 33:7 150:4
clothes 64:14	completely 85:21 86:2	confused 61:13	corner 33:16 81:17 90:17
clothing 107:11	complex 56:3,20 75:9	confusion 61:20 136:12	correct 14:4,15,16 18:19,21 19:16,17 20:7,9 21:8 22:15 25:24,25 27:20, 24,25 29:4,10,17 31:19 32:9,10 38:25 40:16,17 42:9,13,15 46:9 48:8,20,21,24 49:5 54:3,16 56:14 57:17,18,23 60:3,21 62:10,11,23,24 64:22 65:2 66:22,23 68:4,5,7 69:19 70:17 71:2,6,12, 13,15 72:1 81:10,13, 14,16 83:15,22 84:12 87:11 93:1,21,22 94:1,
clumsy 41:21	complexes 49:15	considered 97:5,9	
co-counsel 12:9	compliance 10:19	consistent 9:15 25:17 49:25 52:19 92:14 102:21	
cocaine 107:19	compromised 48:11	constitutional 27:22 28:4,8	
coincide 9:7	conc- 34:7	consumed 100:13	
collect 101:7	concept 34:8,23 122:20		
collected 118:22	concern 72:22		

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

4 95:14 96:24 98:7,8 99:7,18 102:6,7,9,14 106:2,3,7,8 107:14 108:2,3,5,13,14,16,22, 25 109:1,7 110:8,9,11, 24 111:17,23 112:8 115:3 118:10,14 119:20,21,24 120:21, 24 121:7,8 122:16 125:24 126:6,9 127:11,16 128:11,12 130:1 132:12,15,19 134:17 135:23,24 136:13 137:8,10 139:5,9,16 141:23 142:16,17,23 149:9 correctly 40:13 57:14 69:16 83:11 124:23 129:24 130:14 Corrine 5:11 couch 88:4 127:13 counsel 8:11 147:24 counseling 80:6 counted 100:24 couple 8:21 12:4 18:10 23:16 40:5 45:18 52:2 54:24 59:19 75:10 84:4 91:11 97:21 104:3 128:13 132:16 couple-week 15:21 coupled 101:23 courses 15:15 court 6:20 7:22 16:1 26:14	32:13 137:18,20 138:3,4,13,21,22 140:8,21 141:25 142:2 148:1 cover 82:25 127:11,16 coverage 56:9 covered 88:21 coverings 44:5 47:17 48:19 84:18 covers 14:23 covert 116:2,14,19 117:4 crack 136:20 Craig 147:21 create 31:18 89:16 104:8 created 79:18 89:21 105:25 creates 89:15,17 121:12 creating 13:20 120:22 crime 28:19 criminalistic 99:2 criminalistics 100:19 critical 123:11,12,14 144:10 critiquing 143:4,5 crossfire 85:2,3	CSI 99:3 cue 134:6 cumbersome 77:17 curiosity 64:6 current 10:8 17:6 curtains 84:19 custody 35:9 62:7 66:5,6 72:25 73:1 cut 146:15 cuts 135:13 <hr/> D <hr/> danger 121:7 date 128:11 day 18:18 19:14 41:11 53:12 72:21 93:17,21, 25 101:9 102:9 111:6 112:25 130:12 day-to-day 18:6 20:1 147:9,11,15 148:5,8,11 days 18:12,18 45:18 102:20,23 deal 47:14 dealing 62:5 debatable	23:13 debate 124:9 125:4 deceased 90:25 119:20,24 decided 109:20 113:16 117:21 deciding 123:24 defeated 112:23 defendant 7:5 defensive 35:11 degree 11:14 14:19,20 degrees 15:12 delay 104:24 105:1 delivered 46:18 demotions 142:13 department 9:23 19:20 33:3 52:2,5 80:12 144:2,3 depend 24:25 28:18 78:1 dependent 25:1 depending 18:10 24:19 41:13 42:25 45:14 55:13 63:20 107:21 119:10 depends 10:16 45:12 107:15 deploy 82:21 84:15 103:17 104:1 111:10
---	---	---	---

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

deployed 89:18 137:3,4 deploying 110:19 deployment 144:1 deposed 12:8,9 16:1 deposition 5:8,25 6:6,16,19,22,25 7:19 8:9 9:21 11:20 12:2,3,5,25 13:7 25:10 33:2 114:23 125:15 150:1 depositions 12:10 depth 51:25 describe 84:8,9 85:13 142:12 description 33:9 designed 89:16 104:10 114:12 136:20 destroyable 107:22 destroyed 27:12,17 107:1,2,13, 20 108:2 detail 59:14 149:5 detailed 51:25 64:8,10 72:20 144:4 147:7 details 55:3 59:13 63:10 detain 108:15 detained 66:22	detective 63:13,16 65:4 77:8 detectives 42:24 62:22 63:21 73:2 117:5 determination 51:4 82:4 determine 43:9,10 66:8 73:6 101:25 115:13 124:14 determined 48:6 device 36:13 84:16 89:14,24 105:14 devices 31:9,17 135:23 dial 87:14 dialogue 73:17 74:6 128:14 129:4 difference 31:24 66:12 78:16 79:1 87:19 119:5 differently 46:7 49:9 109:25 123:3,6,7,20 149:9 differs 22:21 difficult 49:15,16 103:18 135:9,11 difficulty 112:7 direction 87:8,10,11 106:7 directly 87:13 dis- 90:19	disagree 52:4 140:10,22 disagrees 142:2 disappear 68:25 discharge 145:11 discharged 57:22 58:1 94:3 disciplinary 143:17 discipline 142:13,18 discuss 6:12 11:18,20 12:10 discussed 11:25 12:4 139:1 disorient 122:16 dissipates 90:5 distinction 57:16 147:14 distinctly 133:24 distinguishable 135:3 distract 36:13 84:16 87:18 89:14,24 105:14 126:23 136:1 distraction 31:18 120:22 135:22 distracts 31:10,11,16 120:11 122:15 136:21 144:1 diving 127:10 document 33:19	documents 8:19 9:20 10:6,22,23 12:13,24 13:5 25:9 33:21 dog 44:13 77:5 dogs 44:3 47:17 door 25:14 27:11 30:13,15 36:9,19 48:1 78:14,20, 21,22 81:16,18 82:9, 11 83:6 89:20 98:6 108:22,25 110:3,24 111:9,11 112:4,7,8,16, 21 113:11,23 114:2,14 115:21 121:13 126:9 137:21 138:10,12,14, 17 139:19,23 141:4,5, 8 143:25 double 132:9 doubt 144:9 draw 88:2 dressed 74:25 75:15 93:12 98:23 drew 87:9 106:6 drill 24:9 29:1 drive 43:11 77:18 117:8 driving 129:1 drop 95:2 120:10,13,16 121:5 122:11 127:3,4, 6 ducking 127:10,15
--	---	--	---

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

dumb 105:7 duties 18:20 55:21 64:25 duty 28:2,9 145:12 dynamic 33:24 <hr/> <div style="text-align: center;">E</div> <hr/> e-mail 148:3 e-mails 147:23 E-R-N-E-S-T 5:19 ear 136:19 earlier 64:17 71:23 93:12 122:25 126:23 131:4 143:3 early 55:17 easier 137:5 easily 107:1 108:1 135:3 education 14:14 16:10 educational 14:12,18 effect 80:22 89:19 elderly 47:21 48:11 elected 111:9 electronic 136:19	emotional 80:21 employee 100:16 employment 142:14 enabled 118:22 enact 83:5 84:6,9 113:23 enacted 115:6 enacting 126:1 enactment 84:9 encompasses 10:5 encompassing 24:7 encounter 120:9 encountered 132:3 encountering 120:7 end 17:24 72:21 112:25 ended 59:20,23 67:24,25 90:23 145:9 enforcement 64:15 engage 103:25 enhance 34:2 35:8,17 enhanced 35:15,18 enter 27:24	entering 30:12 entire 18:14 19:3 25:7 51:23 entirety 128:5 entitled 8:18 11:1,3 34:24 99:24 entries 37:14 38:4 entry 10:1 27:8,11,16 29:14, 16,18 30:2,4,6,11,23 31:2,14,24 32:1,2,6,9 33:10,23 34:13,25 37:6 38:15,20 53:22, 24 55:25 61:4 77:24 78:17,23 79:2,4,11 82:11 111:7,22 114:3 115:8 138:17 139:18 environment 52:20 equipment 55:14 74:20,21 75:1, 20,22 76:12 77:16 93:20 97:2 101:7 Ernest 5:19 essentially 55:8 85:4 estimate 53:21 59:15 99:10 estimates 20:19 et al 5:9,10 evaluate 34:12 evasive 11:10 eventually 101:8	everybody's 126:4 143:4 evidence 25:12 27:18 35:25 64:3 65:15 66:17 68:10,16 72:6,11,18 97:6,9 99:17 107:9 108:1 exact 59:13,14 85:13 EXAMINATION 5:5 excellent 20:18 59:12 exception 39:1 excuse 41:20 60:14 84:25 execute 34:1 exhibit 6:5,9 32:14,19 33:1,14 92:7,8 93:5,6 96:5,8 exhibits 32:12,17 expectation 126:13 expended 101:1 experience 28:21 45:9 103:4 116:1 119:13 120:6,12 121:5,16 122:12 127:2 129:23 131:23 141:19, 20 experienced 136:12 expert 53:2 Experts 52:4 explain
---	---	---	---

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

23:25 46:14 51:20 66:11 76:1 114:9	failure 143:7	fight 26:20 121:24	fitness 22:2
explained 26:1 143:3	fair 7:12 9:14 16:17 19:8 21:7 22:9,14 24:17 28:24 42:8 59:25 64:24 95:10 99:15 102:24 147:3	figure 41:19 73:3 143:10,11	five- 39:14
explaining 115:2,20		figuring 30:22	five-minute 43:11
explanation 147:7	fairly 51:24 83:1 99:5 103:1 125:11	files 8:10	five-something 98:20
exploding 120:17	fall 41:14 78:25	fill 85:4,21 86:1,3	flash 89:16 120:15
explosion 120:14 122:10	falling 127:8	final 22:4 81:25 82:2	flashed 88:11
explosive 16:3,13,18 19:1,2 31:9 109:6,14 110:2,11 111:9,10,22	familiar 13:21 56:13	finalized 149:21	flashes 87:3 90:10
explosives 16:2	fashion 31:23	finalizing 118:2	flashlight 94:7,10
extra 40:15 132:23	fast 83:19 114:11 141:5	find 40:1 43:8 51:2 67:23	flee 35:12
extremely 49:16 51:25	faster 25:4	finding 38:6	Flex 64:10,12,13
eyes 43:23	fault 51:3	fine 40:23 74:6,15 95:6	flight 121:25
<hr/>	Fe 41:2	finish 47:8	flophouse 68:21 69:2 70:6 71:1, 25 72:5
F <hr/>	feel 52:8 53:1 60:20 64:23 86:24,25 87:5,15	finished 15:10 131:6	flow 39:13 89:19
F-I-T 8:25	feeling 67:21 103:4	fire 90:21	flowing 31:23
F350 116:22	feet 52:10 75:11	firearm 65:16 145:11	fly 47:14
face 147:25	felt 47:3 90:10	firearms 146:11	focused 94:20 121:14
fact 71:14 72:16 130:17	female 111:11	fired 86:12 100:25	fog 105:21
factors 28:20 44:1 52:2 66:20 123:10,24 124:2,20	field 19:21,23,24 20:3,10 21:1 22:14	firing 90:23 91:1 105:12	foggy 63:11
facts 35:25		fit 8:23 9:10,18 29:14 76:7,9,23 91:17 100:10 102:1,5,8	follow 8:4 33:10
failed 47:25 48:4			follow-up 106:21 142:9

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

foot 78:7 79:21	16:25	giving 6:25 20:18 28:14 59:13 66:15 113:11 138:11 141:7	guess 24:2 53:6 87:6,14 88:1 89:3 92:17 97:7 107:3 122:3 127:7
footage 74:13 103:11 128:4,10	free 60:21	glad 85:22 86:1	gun 87:1,3,18 88:10 95:15, 16,20 97:12 99:21 105:13 107:25 108:9 136:4 137:7
FOP 17:1 100:3,4,5	front 69:8 71:2 82:9,11 86:16 89:20 90:12 96:20 98:6 121:13 139:19	glass 84:22	gunfire 67:24 85:8 86:10,13, 18 90:1 91:15 135:2 145:9
force 95:22 100:9 104:5	full 5:14 126:14 132:4,14	Glock 93:24	guns 95:16
Ford 116:22	fumbled 104:16,17	Glocks 95:23	gunshot 120:25
form 26:5 36:20 37:2 49:10 51:14 112:13 123:8 126:18 143:16	function 144:7,8 147:16	goal 34:3 86:6 141:10	gunshots 136:21
formulate 44:23 118:5	functioning 147:9,11 148:9,11	gold 18:15	guy 59:19 78:24 90:12 118:10
formulating 118:1	<hr/> G <hr/>	Gonzales 12:8	guys 41:24 77:13 81:3,15 83:13,20 88:18 117:18 125:19 136:14 143:1, 14
fortification 47:18 48:1	gain 27:8 34:13,25 78:19 129:23	good 39:16 44:11 47:3 63:21 75:18,20 91:6, 13 95:3 144:24,25	guys' 52:9
fortifications 44:2	gained 19:4,6	Google 43:17	<hr/> H <hr/>
forward 74:11 146:8	game 44:17	government 14:24	half 14:2 21:3 45:7 135:13 139:13
found 46:18,24,25 48:10 49:19,24 67:16,18 139:21	gates 44:13	Grab 77:16	hallway 114:16
founded 53:6	gathered 69:13	Great 39:19	hand 32:12,15 33:14 73:2 88:5 92:4 96:4 97:15
four-door 116:23	gave 100:11	greatly 112:25	handed 32:25
four-hour 133:2	generic 63:22,23	ground 13:22 52:10 120:10, 13,16 121:5 122:12 127:4,5,6,8	handful 80:15
fourth 113:19 138:25	give 8:1,5 15:22,23 20:19 31:21 32:13 34:14 36:6 53:21 58:7,9 59:6,14,15 61:10 63:14 64:7,9 82:12,14 83:4 99:10 124:18 129:7 147:18,19 148:7	groundwork 29:12	
frame 23:13 146:20		group 79:9	
frames 59:3		guard 136:18	
Fraternal			

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

handgun 100:20 handle 20:1 70:20 104:4 handled 70:13,21 handling 16:3 hands 99:21 105:8 127:9 hangs 90:6 happen 47:10 happened 54:10,11 60:2 61:9,22 73:14 74:4 88:24 98:2 110:14 115:7 146:4 147:20 148:18,19 happening 25:3 120:19,20 121:15,18,20,21 122:2 hard 13:2 45:11 54:22 108:1 114:11 122:8 135:7 136:22,25 harder 135:7 he'll 26:24 84:17,23 130:20,22,23 head 102:10 146:12 headlights 105:20 hear 83:5 88:20,21 89:25 120:15 122:10 125:7 133:14,17,22,24,25 134:3,4,5 136:22 heard 84:3,4 122:9 129:24 134:15,16 136:22	hearing 51:8 hears 135:21 heavy 85:12 89:18 height 21:18,19,22,24 heightened 145:22 held 138:22 helmet 75:17 hey 23:7 24:19 41:10 63:24 66:8 71:24 82:6, 12,13 83:3 91:13 105:3 113:18 115:9 117:5 122:9 123:5 124:14 125:19 145:21 high 14:9,14,18 52:18 145:23 higher 94:17,19 112:1 highest 145:25 highlighter 33:8 hit 82:10 85:3 87:5 89:20 90:11 103:23 104:5 113:18 120:2 134:19, 20 hits 76:15 113:11 hitting 128:21 hold 19:19 80:2 92:2 121:24 133:5	holding 77:18 79:6,9 91:8 home 13:25 70:3 homicide 63:23 64:1,3 65:4,15 67:9,14,23 68:4,7,16 72:7,17 106:13 107:8, 9 108:5 homicide-related 55:24 homicide-type 108:9 honest 8:5 hostage 59:19,20 hour 11:6,7 45:7 132:23 145:7 hours 39:23 45:7,16 97:21 98:2 99:14,16 house 30:8 43:17 44:2,18 117:9 houses 44:8 hundred 75:10 hundreds 145:6 hustle 82:16 <hr/> I <hr/> IA 64:25 idea 30:15 identified	106:15 igniting 119:7,9 ignore 26:6 immediately 39:7 90:4 97:16 120:10 impact 80:22 92:25 imply 144:11 important 107:4 improperly 10:13 improved 123:19 inaccurate 47:1 inches 85:11 incidence 76:2 82:18 148:19 incident 8:13 23:16 25:7 37:21 38:1 45:23 46:22 57:11 58:19 80:3,5 93:17,21,25 97:23 98:2 110:11,19 111:16 123:2 128:11 129:2,3 133:5 142:15,22,25 143:2,5,20 144:9,14, 20,25 146:2,6,13,19 147:13 148:10 incidents 148:6 includes 142:18 including 118:3 incorrectly
--	---	---	---

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

52:12,17	instance 60:23 62:25 63:3 74:23 76:6 82:5 85:7 123:21 124:17 131:2	interviews 8:14,22 9:10 83:8 86:23 99:4 102:5 103:3,5,8 114:7	40:13 93:8 137:15 150:1
indication 48:16 138:16,18	instances 6:18 57:25	investigating 71:11	January 6:14 19:14 38:2 45:23 57:3 59:1 125:18
indiscernible 16:23 21:14 71:16	intended 69:18	investigation 28:19 37:13 38:1 48:10 49:19,24 50:1,3 55:24 64:1 67:10 100:9 101:3,23 139:21	job 15:20 20:18 28:1 52:18 54:6 55:10,14 73:3,5 91:4 123:11
individually 143:14	intense 41:23 103:3	investigative 42:23 63:14 64:14 66:7 98:19 116:18	judge 26:12,15,16,20
industry 94:22	intent 27:23 72:10 87:25 126:23	involve 113:14	judgment 114:12
info 55:1	intention 14:6 37:1 65:11 72:5 108:15	involved 21:13 51:23 52:22 56:23 57:4,11 59:23 60:7 61:4 66:6 67:7,9, 14,23 69:23 70:15 80:22 99:4,16 100:8 101:11 110:10,18 113:16 144:25 145:24	July 150:2
informal 11:13	interested 116:10	involvement 7:2	jump 79:17 80:2 87:23 88:15
information 10:5 37:10 43:20 44:16,22 50:17,18 54:24 62:14 64:10 70:25 71:5 72:21	internal 17:16,18 33:5 37:13 49:19,23 64:18 139:21 143:10	irrespective 139:7	jumped 59:22
inherently 140:6,18	interpret 23:1	Isaiah 6:13	jumping 136:4
inhibit 8:5	interrogatories 12:21 13:10,11,20 142:10	isolating 91:21	<hr/> K <hr/>
initially 18:15 97:17 99:5 103:14 136:14	interrogatory 142:12	issue 48:18 85:2 103:12 108:21 147:8	K-9 77:4
initiated 79:24	interrupt 74:10 75:14	items 106:17,25	kiddy 81:17
initiating 83:3	interrupting 75:14	<hr/> J <hr/>	killing 68:1
injured 91:18	intervene 28:10	J-A-M-E-S 5:16	kind 13:19 18:3,5,6 19:4,10 20:2 21:20 24:9,23 26:1 28:12,25 30:15 33:4,20 39:13 40:8,15, 18,20,24 41:18,23,24 42:19,20 43:17 44:7, 12,17,20,21,22 45:8, 12,20,24 46:13,18 47:14 51:8 53:5 54:8, 18,20,24 55:1,19 58:9 59:2,21 62:21 63:14 68:6,21 73:13 74:4
injuries 146:7	interview 8:23 9:19 22:5 29:14 83:9 85:19 100:9 101:4 102:3,5,6,8 108:19 115:25 118:18 120:6 121:10	James 5:8,16 32:25 33:13	
insert 84:15 134:6	interviewed 99:17 100:7		
inserting 82:23			
inside 36:7 67:8 79:5 89:15 126:14 135:21 137:4 141:16			

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>75:1 77:9,17,19,20,22 78:2,14 79:4 81:7,8,12 82:16 83:1,11,20 84:2, 3 85:13,20 86:14,21 87:20 88:19,21 89:1, 22,23 90:14,17,19 91:2,4,8,17,20,23 94:10,16,21 97:22,25 98:1,9,12,17 99:16 100:24 102:25 104:8, 16 105:4 106:1 109:22 110:13 111:1 113:3,15 114:5,6,25 116:14 118:13 121:24 122:24 125:22 132:22 135:13 136:14,17,18,25 141:17 145:20 146:15 148:3,4,8</p> <p>knew 56:7 69:4 77:10 79:14 90:13 108:5 130:6 131:9</p> <p>knife 107:11,25 108:10</p> <p>knock 10:2 22:23,25 25:13 26:2,4 27:5,9 28:17 30:23,24 31:1,3 34:11, 23 122:20 124:9 137:16 139:2 140:6, 19,24 141:1</p> <p>knocked 121:14</p> <p>knocking 23:1,2,4</p> <p>knowing 47:23 94:21 109:22 112:11</p> <p>knowledge 25:21 38:9 49:4 120:1</p> <p>Kubla's 98:13</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lack</p>	<p>22:13 134:17 147:24</p> <p>lady 110:23</p> <p>laid 85:20</p> <p>land 82:6,12</p> <p>lands 82:8</p> <p>landscape 55:7</p> <p>large 44:13</p> <p>larger 114:17</p> <p>Las 5:10 9:22 19:19 33:2</p> <p>Latia 5:9,13</p> <p>laundry 44:5 146:10</p> <p>law 140:9,21</p> <p>laws 10:20</p> <p>lawsuit 111:13</p> <p>lawyer 11:3 147:20</p> <p>lay 14:17 29:12</p> <p>laying 88:4 127:9,13,14</p> <p>layout 43:18</p> <p>layperson 18:3,5 60:10</p> <p>lead 76:4 87:20</p> <p>leader</p>	<p>44:20,21 117:25 118:1,4,8,12,15</p> <p>leadership 14:21,22,23 18:11 130:22</p> <p>learn 69:1 123:14 143:2 148:5</p> <p>learned 142:25</p> <p>lease 69:11</p> <p>leave 17:10,12 32:16 52:20 68:25 71:25 97:4,10, 12 101:8</p> <p>leaves 75:2</p> <p>left 17:11 46:13 52:24 75:7,10 89:2,5,6 96:23 143:12</p> <p>legal 8:11</p> <p>length 101:21,22</p> <p>lengthy 51:24 99:5</p> <p>lessen 34:2 35:7</p> <p>lessened 35:14</p> <p>letters 147:22</p> <p>level 22:12 52:18,19 112:1 145:23</p> <p>lieutenant 112:1</p> <p>life 95:3</p>	<p>light 87:9,17,21 88:2,12 90:2,3,8,18,20 94:5, 16,17 95:4,11,18 105:18,25 106:6 116:24 120:15</p> <p>lights 116:24</p> <p>lined 77:22</p> <p>list 41:8,14 44:5 146:10, 14</p> <p>listed 35:7 43:20 47:15 72:18</p> <p>listen 61:21</p> <p>listening 135:1,5,25</p> <p>live 141:16</p> <p>living 14:3</p> <p>load 74:19</p> <p>loaded 74:25 75:19 105:13</p> <p>location 43:8 44:9 55:2 82:14</p> <p>locations 145:7</p> <p>lock 113:23</p> <p>locked 138:10</p> <p>locking 91:19</p> <p>long 11:4 14:1 17:19 20:14, 21 21:1 23:11 73:16, 17 80:13 99:11 101:14</p>
--	---	--	---

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>124:6,15 128:7 131:14</p> <p>longer 38:5 65:1 144:15 148:22</p> <p>looked 8:20 18:6 37:11 44:22 48:8 91:9</p> <p>loop 66:24 97:25</p> <p>lose 114:13</p> <p>lot 16:9 53:3 68:21 74:20 76:24 83:8 89:15 102:17 123:24 125:15 131:16 137:5 143:14 145:19 148:18</p> <p>loud 120:14 136:20 141:11</p> <p>louder 119:11</p> <p>LVMPD 15:16 20:22 23:21 25:18 33:12,25 38:10, 23 49:25 64:7 80:7 93:5 96:7 141:22</p> <p>LVMPD's 49:19</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M-O-D-L-I-T 94:13</p> <p>M-O-N- 94:12</p> <p>made 38:4 73:15 86:19 98:18 115:14 117:11 119:23 126:17 127:1 139:5 140:1 141:18 143:21</p> <p>main 141:3</p>	<p>majority 84:21 86:5 128:25</p> <p>make 22:12 23:15 32:2,16 41:14 43:5 52:6 53:4 73:5 75:18,19 77:11 82:4,17 91:5 100:25 101:13 103:7 112:22 124:7,22 133:11 134:8 141:10 146:14 149:17, 18,21</p> <p>makes 146:6</p> <p>making 30:6 32:6 44:11 57:16 79:20 87:19 116:6</p> <p>malfunction 104:8</p> <p>man 91:10</p> <p>management 14:20</p> <p>manner 10:18</p> <p>manpower 70:1,2 114:17</p> <p>manual 10:9</p> <p>march 13:21</p> <p>mark 32:14 33:1,8 92:5 93:5 96:5</p> <p>marked 6:9 32:19 92:8,18 93:6 96:8</p> <p>Master's 14:20 15:1,8</p> <p>matches 43:22</p> <p>material 42:23</p>	<p>matter 5:9 10:12 39:5 52:4 83:19</p> <p>matters 73:19</p> <p>means 22:24 24:1 26:2 30:5 40:3 82:7,9 84:14 87:4</p> <p>meant 24:1 34:5,20 75:25 76:17 77:10 86:19 93:13 111:20 116:17 117:3,11</p> <p>meantime 100:6</p> <p>mechanics 39:12</p> <p>mechanism 105:12</p> <p>mechanisms 143:10</p> <p>medical 77:6</p> <p>medications 8:4</p> <p>meet 43:13</p> <p>meeting 101:24</p> <p>meets 43:5</p> <p>member 16:20 18:7 118:23</p> <p>members 28:4,9 125:9</p> <p>membership 17:3</p> <p>memory 9:7,16 20:20 40:6 55:18 57:9 59:8 61:24 70:6 71:4 74:13 92:11, 15 99:10 102:25</p>	<p>mental 126:25</p> <p>mentality 145:21 147:10</p> <p>mentally 102:1</p> <p>mentioned 86:21 88:15 131:4</p> <p>message 39:25</p> <p>messed 143:16</p> <p>met 11:4 23:23 100:15</p> <p>Metro 82:13 96:2</p> <p>Metropolitan 5:10 9:22 19:19 33:3</p> <p>middle 5:18</p> <p>mike 128:20</p> <p>military 94:23 95:12</p> <p>military-grade 95:4</p> <p>mill 145:5</p> <p>million 15:15</p> <p>mind 22:18 146:20 149:7</p> <p>mine 33:4 77:3</p> <p>mini 84:20</p> <p>minimum 24:14 25:22 133:3</p> <p>minutes 44:14 54:21 55:17 90:7 128:6 129:9</p>
---	---	--	--

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

missed 113:2 140:14 148:20	65:13 67:2 68:11 71:10	neighborhood 117:9	November 59:17
mistakes 149:18	murdered 59:19	Nellis 55:25 56:1 75:9	number 32:14 33:15 55:2 125:23,25
misunderstood 71:24 76:16	Murphy 5:6,11 6:8,10 8:25 17:2 21:17 26:10 32:20,23 36:24 37:4 49:17 51:18 60:16 71:20 73:20 74:1 92:7, 9 93:7 96:9 112:17 123:17 126:21 128:1, 24 129:13 132:11 133:7,10,21 134:24 149:14,24	Nevada 14:1,4 140:9,21 141:25 142:1	numbers 33:18 100:22
mitigate 85:2 124:13		newer 103:16 117:21 129:22	numeric 33:15
modified 144:13 148:9		news 125:7	numerous 28:20 66:20
modifies 95:23		night 39:22 45:19	<hr/> O <hr/>
modify 13:13 135:10	muzzle 87:3 90:10	no-knock 28:13,14,16,22 29:3 34:10	object 26:7,15
Modlite 94:12	<hr/> N <hr/>	noise 89:16 135:2	objection 26:5,19,22,25 36:20 37:2 49:10 51:14 112:13 123:8 126:18
moment 13:4 149:13	named 7:5	noises 136:21	observe 91:4
months 17:21,23 19:3,10 101:17	names 5:21 64:13	non- 11:10	observed 69:7
morning 98:20	narcotic 107:18	normal 41:23 42:3 43:6 54:20 83:12 97:8 110:5 145:5	obstacle 22:2
move 14:1 25:4,5 78:23 84:23 88:4 113:19 115:12 124:18	narcotics 64:9 107:7	northbound 75:8	obtain 15:1,7 50:18 72:6
moved 14:8 102:10	narrative 88:22	notes 103:7	occupants 32:5 140:5,17
moving 14:6 90:25 127:12,13 146:8	nature 33:24 123:11	notice 5:25 27:23 28:15 36:7 137:18 138:5	occurred 6:13 58:24 73:10
muffle 136:20	nearer 58:6	noticed 5:23 101:2	occurring 24:5 46:1
muffled 133:15 134:2	nearest 57:10 58:19,20,21	notification 54:14 130:20,23	occurs 99:6
multi-unit 35:23	needed 53:12	notifications 98:18	October 111:21
multiple 113:11	negative 132:9	notify 27:6	odds 34:22
murder	neighbor 44:13		offer 73:15

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

offered 39:10	69:9	oversee 118:13	10:11,12 16:2 22:4 27:21 29:13 31:7,14 33:9 37:12 42:10,17, 19 46:13,14,22 48:9 58:15 64:25 65:10 66:2,25 79:10 109:6 111:19 112:4 113:17 117:4 140:14 141:20
office 11:19 102:13,14	one-and-a-half 104:25	overt 116:3,6,8,14 117:8	partner 59:22
officer 7:4,7,8 12:9 15:25 18:23,25 19:21,22,23, 24,25 20:3,9,10,11,15 21:2 26:4 27:8,11 28:2,10 30:12 34:2,13, 25 35:8,15,17 51:23 56:5,9,23 57:1 67:25 70:3,4 82:22 84:11 87:16 91:19 96:11,17 103:12 119:14 120:13 121:17 134:14,16 137:7,19 138:6 147:12 148:16	open 27:10 31:8 78:13 79:18 89:20 113:23 114:2,15 115:12 121:13 141:4	overview 62:18	party 7:6
officer's 27:23	operated 125:19	overviews 63:23	passes 139:8
officer-involved 6:12 19:15 38:2 46:22 56:24 57:5,21 58:14 59:10 60:6 61:3 80:23 92:14 97:3 99:1,12 101:11	operating 52:3 125:22 134:9	overwhelm 34:5,21 35:6 126:24 140:5,17,23	past 110:6
officers 12:4,17 19:25 20:5 27:19 28:8 34:4 35:21 36:1,8 37:1 40:10 43:15 45:13 52:9 54:23 76:7,21 90:13 91:21 95:12,25 100:8 111:7 114:20 117:22 118:4 126:11 130:25 138:23 140:7,19 145:9	operation 131:6	overwhelming 34:9,22 35:1	patio 136:16
official 131:11	operational 117:23	P	patrol 19:22 20:4,8,10,15,25 62:4 64:10
Oklahoma 15:3	opinion 34:8,21 50:19 53:4 71:22 113:7,8,12 120:12 140:2 144:12	p.m. 127:22,25 150:3,5	pause 91:23
older 10:7	opportunity 5:24 34:12 45:24 149:16,20	PA 23:3	pay 133:2
on-the-job 20:2 131:16	opposing 147:24	package 75:2,25 77:9	PEEP 100:15
one-	option 33:25	pagination 33:20	peephole 111:11
	oral 22:5	paid 132:22,24	people 34:12 48:11,16 59:19 63:25 68:21,23 69:4,7, 12,13 71:1,25 73:1 104:3 114:22 116:25 120:6,9,15 121:18 127:3 145:24 146:7
	order 16:25 21:11 25:9 77:23 78:3 150:4	panel 22:4	perceive 121:6
	organizations 16:21	paper 54:25	perceived 119:18
	outer 79:6	parameters 23:10	percent 53:23 56:21 59:5,7 122:7
	outline 55:20	Pardon 16:24	
	outlines 10:9	park 77:15	
	overload 76:14	parked 75:11	
		parking 102:17	
		part	

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Perfect 81:19	pictures 92:4	point 43:10 47:23 70:22 74:9 87:21 88:11,25 90:24 91:3 92:18 97:6 98:17 99:24 111:25 112:22 113:4 114:3 116:6 117:20 133:14 135:12,20 137:6,23 138:20 139:19 141:10 143:9 145:2	potential 67:9
performing 28:1	pie 21:16		pounds 85:15
period 52:21,22	piece 97:2,5,9		powder 99:21 105:13 119:8,10
person 28:14 36:7 61:15 62:2 63:25 66:9,17 67:8 73:4 107:9	pieces 25:11		PPA 100:2
person's 27:22	pistol 56:8 90:2	points 143:7	practice 144:13 148:5
personal 75:22	place 5:8 18:11 30:17 77:21 146:23	police 5:10 9:22 12:17 16:25 17:7 19:20,25 20:5 23:7 26:3 27:8,11,18, 23 28:1,15 30:12 33:3 34:13,25 35:4 36:1,8 37:1 68:8 82:13,15 83:4,5 91:20 95:12,22 100:16 116:22 119:13 122:9 126:4,10,11 134:3,5,14,15 138:23 141:11	preference 149:22
personally 41:17 123:5 142:24 144:12 148:23	places 69:10		preferred 37:9
perspective 96:11	plain 64:14 77:3		premise 30:6 32:2 35:6 43:21 65:22 66:16 72:24
philosophies 14:24	plaintiff 5:13		prep 55:13,14
phone 39:5 147:23 148:2	plaintiff's 10:12	policies 141:22	preparation 9:20
photo 93:17 96:6	plan 30:17 44:17,20,23 45:20 55:9 70:11 79:24 81:24 82:2,5,22 83:3,6 84:6,8,10 113:21,24 118:1,2,3,5 134:7	policy 9:23,24,25 10:1,2,4 33:5 37:13,16 38:4,10, 23 39:2 52:3 111:16, 20 125:10 143:21 144:3	prepare 8:9 12:25 13:6 25:10
photographed 100:21	planned 47:12	poorly 47:1	prepared 82:10
photographic 92:11	planning 123:13	port 86:7	Preplanning 146:12
photos 91:25 96:4	plans 81:23 115:5 126:1	position 10:15 17:6 19:19 21:10 35:11 48:20 67:17 81:25 82:3,18 86:17 112:10 115:12 124:19 125:18 127:14 135:1	presence 23:4,5,11 27:6 116:7 117:7 138:24 141:2
phrase 50:14	play 133:19 134:20		present 44:4,20 48:5,7 57:8 58:14 59:11 60:6 61:2, 3 63:5,16 66:5 67:15 71:11,15 92:11
physical 22:2 108:1	played 129:12 133:6,9,13,20 134:23	positions 18:2 44:11 79:22 81:23	presented 46:1 49:21
physicality 22:13	plunger-type 103:19		presenting 86:5
physically 23:1 46:1			preserving 133:12
picture 93:23			

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

<p>pretty 42:24 56:1 89:18 94:14 103:3 132:2 136:17 145:18</p> <p>previous 8:14 17:20 18:15 141:19</p> <p>previously 16:1 100:13</p> <p>primarily 18:13</p> <p>primary 40:3</p> <p>primer 103:24,25 104:5 119:3,4,6,7,8,9</p> <p>prior 17:17 19:18 37:18 39:22,23 45:16 59:18 66:24 74:2 86:23 110:10 114:23 131:14 138:9</p> <p>privilege 8:17</p> <p>problem 24:8 34:16 37:24 103:13 104:10 138:2</p> <p>procedure 125:23 134:9</p> <p>procedures 52:3 110:5 141:22</p> <p>proceedings 150:5</p> <p>process 51:24 91:17 99:3,5 100:19 121:15 123:13</p> <p>processing 121:18,20,22</p> <p>Production 13:12</p> <p>Productions 12:22</p>	<p>profession 16:22</p> <p>professional 16:21</p> <p>Program 100:16</p> <p>promoted 17:13 21:4,7</p> <p>promotion 17:17 21:9</p> <p>pronounced 29:20</p> <p>property 27:12,17 28:21 29:10 37:6,15 38:5 65:19,22</p> <p>protection 136:19</p> <p>protocol 97:1</p> <p>provide 6:8</p> <p>provided 8:22 25:21</p> <p>providing 7:19 56:8 99:17</p> <p>PSU 64:13</p> <p>psychologist 80:12 101:24</p> <p>public 28:5,9</p> <p>pull 43:17 84:17,21 89:8 103:15,22 104:1,6,7 105:2,3 115:9 129:7 135:17,21,22 136:2,3</p> <p>pulled 75:10 85:7 87:18 88:10 115:21</p> <p>pulling 57:17 104:6</p>	<p>pulls 114:25</p> <p>punctuated 36:12</p> <p>purpose 26:4 27:4 31:16 34:10, 11 62:21 65:25 66:2 67:1 118:18 122:14 137:19 138:6 141:6</p> <p>push 115:8</p> <p>pushed 89:22</p> <p>put 30:17 33:7,19 92:12 95:17 96:17,18 114:20 146:22</p> <p>puts 32:13</p> <hr/> <p>Q</p> <hr/> <p>qualification 21:14</p> <p>qualified 18:23 70:5</p> <p>qualify 7:12 68:17</p> <p>quality 94:17,19</p> <p>queen 73:20</p> <p>question 27:1 34:18 37:22 45:4 46:3 51:3 66:25 87:6 105:7 106:22 112:6 118:20 121:16 141:3 144:17 145:19</p> <p>questioned 131:17</p> <p>questioning 130:3,5,6 131:18</p>	<p>questions 7:25 11:17 13:17 24:7 26:9 28:25 31:22 41:20 54:9 128:14 142:9,12 149:12</p> <p>quick 73:16 77:19 83:1 90:5 91:5,9</p> <p>quickly 35:19 52:21 90:16 141:8</p> <hr/> <p>R</p> <hr/> <p>R-O-T-H-E-N-B-U-R-G 5:17</p> <p>rally 43:10</p> <p>ram 78:20,21,22 82:10 83:6 113:17</p> <p>ramming 78:20</p> <p>ran 114:20</p> <p>range 58:7,9 80:19,20</p> <p>ranges 137:8</p> <p>rattle 141:7,9</p> <p>react 67:18,20</p> <p>reaction 104:1 121:23</p> <p>read 9:12,15 33:9 34:17 83:7,8,9,10 116:10 120:7 121:10 137:14, 16 139:25 140:13 149:15,17,20</p> <p>reading 51:8 85:19 86:23</p>
---	---	---	---

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

reads 33:24	42:10,14,18,20 43:16 45:3,17,25 46:18,24 47:2,13,16,25 48:3,15 49:3,5,8,19,24 54:15, 23 62:13 69:6,7 116:1, 2,6,13 117:15,18 118:19,22 148:16	released 101:5	13:11
real 77:19 90:5 91:5,9		reliable 8:6	Requests 12:21
realize 90:16 91:6 146:6,8		relied 70:8	require 111:25 140:7
realized 91:14 145:4	recon's 117:24	remain 99:12	required 43:3 103:19
reason 7:24 52:17	recons 109:13	remember 6:25 7:9 9:11 12:20 17:24 40:22 55:19 58:19,24 60:5 61:2 63:2 65:4 75:7 76:6 99:9 101:14 102:22 128:11 130:7,14 131:13 136:9	requires 52:18 140:19
reasonable 23:12,17,23,24 24:1,2, 4,13,21 25:13 124:15 125:20 126:13 138:24 140:7,11,20 141:4	record 5:7,15 13:21 26:7,19 33:12 73:21,22,23 78:10 127:19,21,23,24 128:2 133:12 135:10 149:24 150:3	Remote 15:6	rescue 59:19
reasonableness 124:10	recovered 68:11,17	remotely 15:5	residence 68:11,17
reasons 35:7	red 18:9,11,14,15,16 111:5 116:24	removed 21:25	respective 78:5 79:22 81:22 98:19
recall 7:11 55:23 59:18 72:18 82:19	reflect 5:7 128:3	Repelling 21:23	respond 98:23
receive 42:22	refuse 138:8,15	rephrase 27:14 46:3	response 91:20 142:15
received 33:19 40:7 54:13	refused 137:19,23 138:6,18	replacing 86:4	responsibility 78:19
recently 9:9	regular 136:23	report 92:12 93:4 96:10	rest 35:22 91:24
recognize 143:7	regularly 56:1 121:17	reporter 6:7 16:24 21:16 32:13, 22 60:14 71:17 73:18 92:6	restroom 39:6
recollect 9:6	related 16:21 63:25 65:15 66:9 68:10,16 72:6,17 112:6	represent 5:13 49:18,22,23 68:15 139:20	result 62:3 80:5,22 111:13 142:14 144:14,20 146:19 147:13 148:9
recollection 96:16 102:21	relative 101:10	representation 99:24	retrain 143:16
recommend 51:1	relayed 48:22 70:7,25 71:9	representatives 100:15	retraining 142:13,19,24
recommendation 38:3 50:25	release 103:20 104:18	Request	return 90:20
recommendations 51:9 52:1,7			review 5:25 12:16,24 37:16 43:4,7 45:25 74:12,16 99:4 149:15
recon			reviewed

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

8:10,12,13 9:2,6,9,20 10:24 12:14 13:6,9 15:15 25:8,11 102:2, 19 133:23	75:3	102:12,15	send 43:1,2,3 44:10 66:10 70:3 147:22 148:3
reviewing 9:4	rule 34:23 48:4 114:11 140:6,19,24	school 14:9,14,18 131:7,12 132:5,14	sense 126:1 143:18
Revised 140:9,22 142:1	ruled 48:10,17	scope 24:21	sentence 116:11 117:13 121:10
revisions 143:22	rules 53:3	search 9:23,24,25 10:3,4,10, 13,19 28:22 29:10 34:1 35:5 37:6,15 38:5,19,23 39:21 40:12 41:1 42:7,22 43:5,7,21 45:9 47:4 48:23 50:21 56:17 65:1,12,18,21 66:12, 15 67:1 69:18 72:25 82:15 83:4,5 106:12, 17 107:5,18 114:3 118:20,23 122:9,13 124:1,4 126:5,11 130:9,12,13,16 131:25 134:4,5,14 141:12 145:1,6	sentences 116:12
ride 76:13,18 103:23,24 104:4	run 78:22 114:14,15,17 130:4,13 131:9,25 145:5		September 17:24
right-hand 33:16	rundown 8:19 63:15		sergeant 17:7,13,18 64:25 118:13 129:16,21 130:1,3,13,21 132:21
rights 27:22 28:4,9	rundowns 64:8		sergeants 129:19 130:18 132:22
risk 35:8	running 30:21 41:8 118:10 129:25 130:11,15 131:5		serial 100:22
risks 34:2 35:14			serve 35:5 40:15 44:24 62:2, 22 65:1 69:18,20 109:14 118:20,23 141:12
robust 94:24	<hr/> S <hr/>	seasoned 148:6	served 5:25 10:13,19 35:14 38:19,24 53:12,18 56:17 109:24 111:20 122:13 124:5
role 55:21 111:6	safe 73:6 118:19,24	seat 77:16	service 10:17 32:8 40:11 41:23 45:9,16,22 47:4 48:23 60:7,8 62:13 93:25 132:1
rooms 114:18,20	safely 35:9	seated 127:13	services 10:10
Rothenburg 5:8,11,16 150:1	safety 34:3 35:8,15,17	seconds 36:5,12 128:7 129:10 134:21 139:8,13,15,22 141:3,17 142:2	serving 17:14 55:24 65:11 66:2 67:1 72:16 110:4 121:17 141:21
Rothenburg's 96:11	Sam's 46:9,17,23 54:15,19 55:17 63:17 66:2 70:15,23 73:10 74:3,8 75:3,7	section 10:8 99:2 138:25	set 127:19 140:8,20
rough 20:19 53:21 55:5	Santa 41:2	secured 70:20 98:15	setting
round 92:25 119:9,10	sat 9:7	securing 98:10,14	
roundabout 122:25	scenario 22:3 25:1 60:1	seeking 63:1	
rounds 90:23 91:11 101:1 120:2	scene 73:6 91:19 97:10,13 99:3,6,13 101:8	seizure 29:10	
route			

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

11:14 14:24,25 147:8 severity 28:18 she'll 32:15 sheets 54:25 shield 56:4,8 79:9 82:25 84:24 85:1,5,10,20 86:5,6,7,13 87:5 90:11 91:7,8,10,11 92:2,5, 13,24 96:18,22,24 135:13 shield's 96:15 shined 105:18 shining 105:20 106:5 shoot 37:1 90:21 113:22 124:17 145:10 shooting 6:13 19:15 21:13,14 35:21,22 38:2 46:23 57:2,21 59:10,23 61:3, 12 62:8 67:25 80:23 86:24 87:4,7,13,15,17 90:20 92:14 97:3 99:1, 12 101:12 119:13,18 132:3 145:24 shootings 56:24 57:5 58:14 60:6 91:20 145:2 short 39:11 40:15 52:20 64:19 74:2 shorter 148:21 shot 67:25 68:8 87:2 88:7 91:6,22 119:22 120:24 121:3 145:9,24	shotgun 103:24 104:5 113:22 119:2,3,5,6,7,9 shots 136:13 show 54:15,19 118:10 130:23 132:23 showed 54:19 55:11 shows 92:17 132:22 sic 94:13 side 45:14 77:25 81:13,18, 19 86:17 sight 95:18 sign 149:14 significant 146:6,7 significantly 119:11 silver 130:8 similar 135:4 145:7 simple 74:18 143:11 simply 7:6 sir 26:6 sit 9:5,16 13:12 23:9 34:7 35:24 36:25 37:5 38:8, 18,22 48:14 49:4,7 67:13 71:4 96:14,15 106:4 124:21 134:25 139:1 149:7	sitting 96:15 124:23 149:3 situation 44:19 52:24 56:7 74:22 111:8 148:15,22 situations 53:3 68:2 sketch 55:5 skill 52:18 skipping 68:9 slash 56:6 sleeping 36:6 141:15 slide 128:20 slower 25:5 small 126:14 SMES 52:4 53:10 smoke 89:16,17,18,21,24 90:4,5,18 105:19 126:15 So...i 90:23 sole 78:18 something's 97:9 SOPS 52:3 sorts 50:19 sound 119:3,6 120:15,25	135:3 sounded 21:16 space 22:1 speak 50:11 special 33:3 94:15 96:1 specialized 16:7 specialty 19:4 109:17 specific 8:19 15:19 16:12 17:22 20:18 23:20 55:14 74:23 111:6 123:21 127:7 144:6 148:19 specifically 10:17 40:23 48:19 55:16 65:5 66:15 84:8 86:25 87:2,16 106:15 specifics 65:24 speed 114:13 spell 5:14 spend 45:3,6 spoke 11:2 spoken 73:20 spot 43:13 spots 78:5 spring-loaded 103:21
---	--	--	--

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

stacked 82:11	Statute 142:1	structure 32:5 55:6 89:15 114:18 140:5,18	50:5 114:13 121:12 122:15 126:24 140:4, 17,23
stage 43:13	Statutes 140:9,22	stuff 16:14 21:23 43:3,6 55:6 58:6 61:22 71:25 74:21 75:21 84:19 91:25 92:1 94:24 101:4,7 108:9 118:8 120:16 123:24 136:8 146:11 148:16	surprised 9:12 35:4 36:18,23 49:23
staging 43:13	stayed 91:3		surprising 34:9,22
stand 11:16	staying 69:14		surround 31:25 32:3 34:4 38:20, 24 60:24 61:6 115:2
standard 40:8,19,21 47:4 49:14, 20 74:21 95:21,25 96:2 97:1 125:22 132:2 133:2 134:9 137:14 147:3	step 82:24 84:24 89:11,13 113:22	stun 56:5,6,10 82:23 96:17 103:13,16 119:2 120:7,9 122:15 126:15 134:6	surrounding 32:4 44:8 55:7
standards 49:25 137:16	stepped 85:8,20 89:2,23,25 91:9	style 56:2	suspect 34:3,22 35:9,20 65:15 66:8 68:1,4,6 71:10,15 72:21 106:13 124:17
standing 69:7 71:2 81:16 86:15, 17 110:23 120:3	stepping 89:23	sub-position 19:5	suspects 34:6,9 63:4 65:13 66:3 67:2 72:19 108:13 121:12
start 78:6 79:20 82:5 83:14 103:25 129:9 134:6 135:23	steps 89:7,13	subject 34:4 52:4 53:1 61:11 114:14	swab 99:21
started 62:8 81:24 82:2 83:3 136:1	stick 56:5,7,10 82:23 84:15, 17 96:17 103:13,16 105:9 119:2 120:7,10 126:15 134:6	subjects 28:15 34:21	SWAT 10:8 12:4 15:16 17:8, 10,19 18:7,20,23,24, 25 19:3,18 21:5,9,12, 22 22:16 23:21 25:18 34:4 50:21 53:17 58:16 62:9,21 64:21 72:22 74:24 77:3 95:22 96:1 101:6 112:1 116:22 117:3 118:19,23 120:12 121:17 131:7,11,14,25 132:4,14,23 144:15,19 145:17 147:4,12
starts 126:5 135:22	sticker 32:14	subspecialty 18:24 19:10,16	system 23:3 33:20 103:19
state 5:14 26:22 27:3 145:22 149:7	stimulus 121:23	sufficient 36:6,15 114:17 142:3	<hr/> T <hr/>
stated 5:12	stop 28:10 78:8 91:1 114:1 115:7,10,11,18	suiting 93:14	
statement 85:25 86:19 102:20 105:18 117:11 118:21 120:8	stopped 75:11 91:1 119:18	supervisor 11:22 12:1 130:24	
statements 12:17	stopping 75:6	supplement 40:11	
States 137:17 140:8,21 142:1	straightforward 123:1	supposed 69:11 115:6 134:10	
station 41:2 64:10	street 20:2 64:15	Supreme 137:18,20 138:4,13, 21,22 140:8,21 141:25 142:2	tactic 29:18 30:2,4 31:24 33:23,24 34:5,20
	strike 9:8 14:13 58:22 95:24	surprise 31:19,20 34:5,20 35:1	
	struck 86:13,18 91:15		

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

tactical 50:21 94:22 112:6,11, 12,22 113:5,12,24,25 114:5,6,10,24,25 115:4,8,17,22 123:23 143:25 tactics 33:4 53:2 143:23 takes 98:23 taking 39:13 67:24 74:2,23 86:9 127:11,16 145:9 146:21 147:1 talk 54:9 81:3 124:12 125:8,10 136:11 146:18 talked 8:11,16 29:13 64:16 70:10 71:22 87:8 94:5 100:17 102:4 105:16, 23 115:25 118:3 119:1,2 120:5 123:22, 25 125:13,14,17 talking 37:16 57:15 61:22 110:19,22 124:8 129:15,16,18 130:1 131:2 138:11 146:19 target 43:12 44:9 78:7 teaching 19:25 team 16:2 18:2,4,5,7,12,13, 14,15,16 40:4,9,11,25 42:11,18,20 44:20,21 46:18 54:15 56:5,7 57:16,20,25 58:15 62:1,14 64:12 72:23 75:22 77:24 78:12,13, 17,18,23 79:2,5,6,8, 10,11,14 81:7 82:8,9, 11 84:25 98:6 100:10	101:6 108:24 111:4,5 112:4 113:15 117:3,25 118:1,4,7,12,15,23 123:4,7 125:8 130:8,9, 10,11,15 137:24 138:9 143:9 144:16,19 teammates 123:13 teams 18:9 64:10,15 77:25 79:3 tear 92:3 technical 67:3,5 technically 81:8 telling 84:3 103:14 ten 7:17,21,23 15:15 58:8, 10 85:15 90:7 ten-minute 39:15 tend 104:4 term 22:13 114:6 118:7 134:17 terms 60:20 62:12 78:10 79:13 92:2 144:7 test 21:12,13,14,18,19,24 22:1,2 30:1 74:13 100:12 testable 21:10 testified 7:21,22 126:22 136:10 testimony 8:1,6 70:14,24 71:24 106:5 119:17 124:23	133:22 tests 22:7 text 39:25 40:7,8,19,21,24 texts 39:25 130:22 therapy 80:6 thing 21:20 23:8 54:10,11 59:19 68:20 78:14 87:22 115:9 116:14 121:25 124:11 131:13 143:17 things 29:6 44:6 46:24 47:16 52:21,25 53:4,12 99:18,20 112:24 115:24 117:12 118:17 123:16,19,20 128:15 145:13,25 146:9,12 148:14,16,18 thinking 46:12 thought 29:19,20 67:22 77:10 87:9 110:17 threat 25:3 throw 75:16 thrown 31:12 time 5:7 6:9,24 13:3 18:14 21:13 23:12,13,17,23 24:4,13,14,21 25:13, 16,20,23 27:4 32:24 34:15,17 35:10 36:7, 15,19 39:4 45:3,11 48:17 52:21 54:21,22 58:6,19,20,25 59:1,3, 11 60:19 64:19 78:24	79:16 84:17,21 88:11 89:20 90:8,18 91:2 92:13 101:10,13,21 109:2 112:2,18 113:19,23 115:10 117:20 123:2 124:5, 10,13,15 125:1,20,21 126:10 130:8,9,20 131:10 134:17 135:5,6 136:3 137:23 138:12, 14 139:8,10 140:8,12, 13,20 142:3 145:10 147:25 150:3 time-proven 33:25 timeline 125:22 timelines 23:22 times 18:10 97:24 104:3 113:18 119:23 120:9 125:18 132:16 145:6 timing 124:1,3,6 tiny 33:8 today 5:24 6:12 7:24 8:6 9:5, 16 11:23 12:14 13:12 22:19,22,23 23:9 32:16 34:7 35:24 36:25 37:5 38:8,18,22 47:23 48:14 49:5,7 55:19 67:13 70:14,24 71:4 96:14,15 106:4 114:24 124:21,24 134:25 139:1 149:8 today's 6:6 8:9 9:21 11:20 12:25 13:7 25:10 33:1 told 49:2 64:4 70:19 tool 143:15
--	--	---	--

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

top 21:20 95:19 105:9,14 135:13 tossed 136:16,17 total 20:22 126:2 totality 109:23 110:2 touch 53:11 tower 21:20 town 45:14 46:9,17,23 54:15,19 55:17 63:17 66:2 70:15,24 73:10 74:3,8 75:3,7 track 13:3 33:21 tracking 59:20 traditionally 86:15 trail 77:8 train 124:13 135:25 143:18 training 19:21,23,24 20:2,3,5, 10 21:2 23:21 24:19 25:17,22 52:19 130:7 131:5,8,13,15,17,20, 25 transcript 6:6 33:2 transcripts 8:13 9:2,4,9,15 transfer 17:18 transition 68:22	transitioning 69:5 treat 145:23 treated 146:4 Treating 91:18 trick 116:10 trigger 57:17 88:10 trouble 121:18,19 truck 59:22 74:24 75:1,11 77:1,4,15 116:23 117:2 trucks 76:5 truthful 8:1 turn 66:7 145:10 turned 86:12 88:3 94:6,8 105:25 turning 75:5 87:8 twelve 85:15 two-bedroom 69:9 two-man 82:22 type 15:13 23:8 52:18 53:24 60:1 68:2 70:25 87:22 111:22 115:9 116:14 119:10 121:6, 25 124:2 131:13	types 99:18 typically 18:11 41:4 42:22 54:22 61:17 63:12,23 64:9 68:1,22 69:10 72:20 74:19 76:4,12 77:1 82:20 109:16,17 113:16,21,22 114:1,12 116:19 124:11,12 126:4 127:15 130:11, 18 <hr/> U <hr/> uh-huh 33:6 54:17 71:3 72:2 80:10 81:5 83:23 85:23 89:9 92:16 95:14 105:22 106:8,23 108:6 109:8 116:4 122:17 133:18 140:3 uh-oh 29:25 ultimately 53:6 uncomfortable 54:6 under- 141:24 underneath 94:7 understand 6:11 7:25 10:11 27:21 34:12,24 36:8,15,19 40:13 42:17 47:24 48:3,9,13 57:15 58:5 67:14 69:16 83:11 84:2 85:25 87:19 92:4 93:24 101:20 106:10, 11 112:3,5 114:10 115:16,19 124:7,22 126:17 127:1 135:8 141:25 147:13 understanding	22:21 23:10,18 24:24 26:3 27:4 53:7 57:13 62:12,19 63:4,8 65:17, 20 66:1,25 71:9 72:3, 8,9 102:19 110:22 114:24 115:17 119:17 125:14,16 135:16 139:2 141:21 146:17 understood 36:1 65:11 67:7 68:20 72:6 unexpected 113:3 unfair 51:12 unfairly 52:8,11 union 17:3 unit 17:14 36:2 48:5 63:14, 20 64:21 66:7 81:4 109:7 116:18 126:14 129:22 United 137:17 140:8,21 142:1 units 64:8 98:19 University 15:3 unknown 47:9 unlock 44:12 unmarked 77:3 unsure 37:3 unusual 42:8 updated 38:23
---	---	---	---

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

upstate 13:25	view 47:23 86:7	116:5,18 128:13 129:5,14 136:8 142:9, 11 144:5	wear 136:19
urinalysis 100:14	violate 28:3	warrant 10:10,13,19 28:13 29:4,9 30:24 32:8 35:5,14 37:6 38:19,23 39:21 40:12,16 41:1, 22 42:7,11,18,23 43:5, 7,21 47:4 48:23 50:21 53:13 54:14 55:25 60:7,9 61:16,17 62:2, 13,15,22 63:1 65:12, 18,19,21 66:3,12,13, 14,15 67:1 69:21 72:5, 10,16,25 82:15 83:4,5 106:12,17 107:5,19 108:5 109:24 111:22 114:4 118:20,24 122:10 124:1,4 126:5, 12 130:9,12,13,16 131:25 134:4,5,15 141:12 145:6 147:3	wearing 93:21
<hr/> V <hr/>	violating 28:8		weeks 20:23,24
vacuum 89:19	visible 44:4 116:23		weight 85:13
vantage 133:14 135:12,20 137:6	visits 80:14		weird 67:22 68:18
variables 47:10	volunteer 41:5		well-known 94:23
varying 14:23 50:19 53:4 114:6	<hr/> W <hr/>		whatsoever 28:15
Vegas 5:10 9:22 19:19 33:2	wait 21:16 24:15 25:23 32:22 79:24 83:13,20, 21 98:22 138:23 140:7,20		Williams 6:13 35:25 36:18 38:3 68:3 86:12,24 119:19 137:23 138:8,16,18
vehicle 59:20,21 74:23,24 75:2 76:8,18,24 77:5,9	waited 100:11	warrants 9:23,25 10:3,4 28:16, 22 34:1 37:15 38:5 40:2 42:15 45:10 53:17 56:17 63:13 65:1 69:19 109:15 121:17 122:13 132:23 145:1	Williams' 37:1 106:6 135:20
vehicles 76:3,4 77:3,8 116:15, 16,19,20	waiting 98:17 99:25 100:6 105:4 136:2		win- 56:6
versed 54:2	waive 149:23		window 44:4 47:17 48:19 56:5, 6 78:14 79:12,13,15, 16,18 81:11,13 82:23, 24,25 84:14,18,22 85:5,8,21 86:1,3,4,6, 11 88:8,20,23,25 89:1, 7,21,22 91:3 96:16 110:3 135:17,21 139:18
version 132:5,18	walk 18:3 24:23 25:6 30:12 40:20 42:19 54:18 55:18 61:8 73:13 74:4, 14 81:12 88:19,24 89:11 110:13 111:1 123:18	watch 25:7 97:24	windows 31:8
versus 5:9 107:1	walked 97:22	watched 128:3,4 136:10 137:22	word 126:4 142:5
vest 75:17	walking 30:14,21 83:2	watching 135:25	words 133:24
viable 33:25	wall 81:15	ways 50:22 114:6 132:13 144:8	work 12:7 79:22 101:9 102:1 113:4
video 8:12 25:8,9 127:20 128:5 129:12 133:6,9, 20 134:23 136:11 137:12,22 149:19 150:2	wanted 13:13 77:11 86:21 88:16 105:15,16	weapon 57:22 58:1 93:25 94:2 107:10	working 40:9 130:12
video-recorded 150:1		weapons 33:3 75:18 146:11	

James Rothenburg

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

works

41:19

world

50:21

worries

77:12

wrap

108:22 112:7,21

123:23

wraps

148:20

write

99:23

written

22:6 54:24

wrong

51:7 53:9 54:1 57:13

60:20 62:20 69:17

96:22 104:15 108:4

135:16 146:16

wrote

100:21 116:11

Y

year

17:11 21:3 52:23,24

59:18

years

6:21,23 7:17,21,23

14:2,9 17:20,21 18:10

19:3,6,9 20:16,21,23,

24,25 23:16 40:6

61:23 64:14 119:13

137:7,8

yell

82:15

yelling

126:4,11 135:17

York

13:25 14:10

Yup

93:11